

## COUNTY NOTICES PURSUANT TO A.R.S. § 49-112

Because each county writes rules and regulations in its own unique style, County Notices published in the *Register* do not conform to the standards of the *Arizona Rulemaking Manual*. With the exception of minor formatting changes, the rules (including subsection labeling, spelling, grammar, and punctuation) are reproduced as submitted.

### NOTICE OF RULEMAKING DOCKET OPENING

#### MARICOPA COUNTY AIR QUALITY DEPARTMENT

[M05-346]

1. **Title and its heading:** Maricopa County Air Pollution Control Regulations  
**Regulations and their headings:** Regulation I, General Provisions  
Appendices  
**Rules and their headings:** Rule 100, General Provisions and Definitions  
Appendix G, Incorporated Materials  
**Section numbers:** Rule 100, Sections 100, 200, 400, and 500  
Appendix G, All Sections  
(As part of this rulemaking, Maricopa County may add, delete, or modify additional Rules or Sections as necessary.)
2. **The subject matter of the proposed rules:**  
Rule 100 includes general provisions and definitions used in the Maricopa County Air Pollution Control Regulations. Maricopa County is proposing to amend Rule 100 in order to reflect the Environmental Protection Agency's (EPA's) latest actions concerning the definition of volatile organic compound at 40 Code of Federal Regulations (CFR) 51.100(s). In 62 FR 38652 - 38760 (July 18, 1997), the EPA promulgated final rules implementing the national ambient air quality standard for PM<sub>2.5</sub>. Maricopa County also proposes to add the definition for PM<sub>2.5</sub> to Rule 100. Maricopa County also proposes several technical corrections in this rulemaking, several revisions to be consistent with text used in 40 CFR and the Arizona Administrative Code, and other revisions. This includes a proposal to update the outdated reference to AFP-644 in Section 503. Maricopa County proposes to add a new Appendix G, which will incorporate by reference several test methods, protocols, and documents in one location.
3. **A citation to all published notices relating to this proceeding:**  
None
4. **The name and address of department personnel with whom persons may communicate regarding the proposed rules:**  
Name: Hilary R Hartline or Jo Crumbaker, Maricopa County Air Quality Department  
Address: 1001 North Central Avenue, Suite # 695, Phoenix, AZ 85004  
Telephone Number: 602-506-3476 or 602-506-6705  
Fax Number: 602-506-6179  
E-Mail Address: [hhartline@mail.maricopa.gov](mailto:hhartline@mail.maricopa.gov) or [jcrumbak@mail.maricopa.gov](mailto:jcrumbak@mail.maricopa.gov)
5. **The time during which the department will accept written comments and the time and place where oral comments may be made:**  
To be announced in the Notice of Proposed Rulemaking.
6. **A timetable for department decisions or other action on the proceeding, if known:**  
To be announced in the Notice of Proposed Rulemaking.

**NOTICE OF RULEMAKING DOCKET OPENING**  
**MARICOPA COUNTY AIR QUALITY DEPARTMENT**

1. **Title and its heading:** Maricopa County Air Pollution Control Regulations  
**Regulations and their headings:** Regulation III, Control of Air Contaminants  
**Rules and their headings:** Rule 317, Hospital/Medical/Infectious Waste Incinerators  
Rule 321, Municipal Solid Waste Landfills  
Rule 360, New Source Performance Standards  
Rule 370, Federal Hazardous Air Pollutant Program  
Rule 371, Acid Rain  
**Section numbers:** Rule 317, Sections 100, 200, and 300  
Rule 321, Sections 100 and 300  
Rule 360, Sections 200 and 300  
Rule 370, Sections 100, 200, 300, and Table I  
Rule 371, Sections 100 and 300  
(As part of this rulemaking, Maricopa County may add, delete, or modify additional Rules or Sections as necessary.)
2. **The subject matter of the proposed rules:**

Maricopa County is proposing to amend Rule 317-Hospital/Medical/Infectious Waste Incinerators, Rule 321-Municipal Solid Waste Landfills, Rule 360-New Source Performance Standards, Rule 370-Federal Hazardous Air Pollutant Program, and Rule 371-Acid Rain in order to update federal references/dates. Maricopa County is also proposing to amend Rule 370 to delete/exclude compounds from the list of hazardous air pollutants to reflect recent revisions made by the Environmental Protection Agency. Changes to Rule 370, Subpart M-National Emission Standard For Asbestos are also being proposed. Maricopa County is also proposing technical corrections, revisions to be consistent with text used in 40 CFR, and other revisions in this rulemaking.
3. **A citation to all published notices relating to this proceeding:**

Notice of Proposed Rulemaking: 11 A.A.R. 4396, November 4, 2005
4. **The name and address of department personnel with whom persons may communicate regarding the proposed rules:**

Name: Hilary R Hartline or Jo Crumbaker, Maricopa County Air Quality Department  
Address: 1001 North Central Avenue, Suite # 695, Phoenix, AZ 85004  
Telephone Number: 602-506-3476 or 602-506-6705  
Fax Number: 602-506-6179  
E-Mail Address: [hhartline@mail.maricopa.gov](mailto:hhartline@mail.maricopa.gov) or [jcrumbak@mail.maricopa.gov](mailto:jcrumbak@mail.maricopa.gov)
5. **The time during which the department will accept written comments and the time and place where oral comments may be made:**

To be announced in the Notice of Proposed Rulemaking.
6. **A timetable for department decisions or other action on the proceeding, if known:**

To be announced in the Notice of Proposed Rulemaking.

NOTICE OF PROPOSED RULEMAKING  
MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS  
REGULATION III  
RULE 317 – HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS  
RULE 321 – MUNICIPAL SOLID WASTE LANDFILLS  
RULE 360 – NEW SOURCE PERFORMANCE STANDARDS  
RULE 370 – FEDERAL HAZARDOUS AIR POLLUTANT PROGRAM  
RULE 371 – ACID RAIN

[M05-361]

**PREAMBLE**

**1. Sections Affected**

**Rulemaking Action**

Rule 317 § Index	Amend
Rule 317 § 100	Amend
Rule 317 § 200	Amend
Rule 317 § 300	Amend
Rule 321 § 100	Amend
Rule 321 § 300	Amend
Rule 360 § Index	Amend
Rule 360 § 100	Amend
Rule 360 § 200	Amend
Rule 360 § 300	Amend
Rule 370 § Index	Amend
Rule 370 § 100	Amend
Rule 370 § 200	Amend
Rule 370 § 300	Amend
Rule 370 § 400	Amend
Rule 370 § Table I	Amend
Rule 371 § 100	Amend
Rule 371 § 300	Amend

**2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rule is implementing (specific):**

Authorizing statutes: Arizona Revised Statutes (ARS) § 49-112(A), § 49-479 and §49-480

Implementing Statute: Arizona Revised Statutes (ARS) § 49-406(G), § 49-479

**3. A list of all previous notices appearing in the Register addressing the proposed rule:**

Notice of Rulemaking Docket Opening: 11 A.A.R. 4395, November 4, 2005

**4. The name and address of department personnel with whom persons may communicate regarding the rulemaking:**

Name: Hilary R Hartline or Jo Crumbaker, Maricopa County Air Quality Dept.

Address: 1001 North Central Avenue, Suite # 695, Phoenix, AZ 85004

Telephone Number: 602-506-3476 or 602-506-6705

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**5. An explanation of the rule, including the department's reasons for initiating the rule:**

Maricopa County is proposing to update its incorporations by reference of the following federal regulations: New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), and Acid Rain as follows:

**Rule 317:** 40 CFR 60, Subpart Ec, Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996 is incorporated by reference as of July 1, 2004.

**Rule 321:** 40 CFR 60, Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills, is incorporated by reference as of July 1, 2004.

**Rule 360:** Updates to the federal NSPS regulations at 40 CFR 60 are incorporated as of July 1, 2004.

**Rule 370:** Updates to the federal NESHAP regulations at 40 CFR 61 and 40 CFR 63 are incorporated as of July 1, 2004.

**Rule 371:** Updates to the federal Acid Rain regulations at 40 CFR 72, 74, 75, and 76 are incorporated as of July 1, 2004.

The Maricopa County Air Quality Department will be requesting delegation of authority for enforcement of the revisions in Rules 317, 321, 360, 370 and 371 from the U.S. Environmental Protection Agency (EPA).

A description of the new incorporations by reference, and amendments to the existing incorporations by reference, follows:

**40 CFR 60, NSPS**

**Part 60, Subpart Kb** - Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984. [Amended at 68 FR 59328 - 59333, 10/15/03] These final rule amendments were promulgated by EPA pursuant to a settlement agreement with the American Forest and Paper Association regarding their petition for judicial review of a March 27, 2000 memorandum issued by the EPA. In the March 27, 2000 memorandum, the EPA stated that process tanks are "storage vessels" under the definition in 40 CFR 60, Subpart Kb. These final rule amendments exempt certain storage vessels by capacity and vapor pressure, exempts process tanks, and adds the process tank definition. The final rule also amended the performance standards to exempt storage vessels that are subject to the National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production.

**Part 60, Subpart Ec** - Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996. [Corrected at 68 FR 61759, 10/30/03] EPA promulgated minor corrections to 40 CFR 60.51c in this correction. Note: Rule 317 also incorporates 40 CFR Subpart Ec by reference.

**Part 60, Subpart XX** - Standards of Performance for Bulk Gasoline Terminals. [Amended at 68 FR 70960 - 70966, 12/19/03] These final amendments provide clarification and alternatives to enhance the flexibility of the recordkeeping and testing requirements under 40 CFR 60, Subpart XX.

**40 CFR 61, NESHAP**

**Part 61, Subpart M** - National Emission Standard for Asbestos. [Amended & Direct final rule at 68 FR 54790 - 54793, 9/18/03] In this action, the EPA amended the citation for labeling containers of asbestos waste materials based on requirements in the Occupational Safety and Health Administration (OSHA) asbestos standard for the construction industry for proper labeling of asbestos waste. The amendment was made to correctly cite the appropriate numbering of the provisions in the OSHA regulations.

**Part 61, Subpart FF** - National Emission Standard for Benzene Waste Operations. [Amended & Direct final rule at 67 FR 68526 - 68533, 11/12/02; Partially withdrawn at 68 FR 6082, 2/6/03; Amended at 68 FR 67932 - 67936, 12/4/03] In the first rulemaking, the EPA amended the NESHAP for benzene waste operations by adding an exemption for organic vapors routed to the fuel gas system, and also adding a new compliance option for tanks. The EPA also clarified the standards for containers. In the second rulemaking, the EPA withdrew part of the direct final rule promulgated on 11/12/02 due to adverse comments received. In the third rulemaking, the EPA addressed the adverse comments received and corrected a cross-reference error.

#### **40 CFR 63, NESHAP**

**Part 63, Subpart A** - General Provisions. **Part 63, Subpart B** - Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Sections, Sections 112(g) and 112(j). [Final rule, amendments; 68 FR 32586 - 32603, 5/30/03] These final rule amendments establish a new timetable for the submission of section 112(j) Part 2 applications, and modify the content requirements for Part 2 applications. These final rule amendments also established revised procedures for requests for applicability determination previously submitted under the section 112(j) rule, and for section 112(j) applications submitted by sources that previously obtained a case-by-case determination under Clean Air Act (CAA) section 112(g). These final rule amendments also adopt various amendments to the NESHAP General Provisions governing startup, shutdown, and malfunction plans, some of which were proposed by EPA pursuant to a settlement agreement in a judicial action.

**Part 63, Subpart C** - List of Hazardous Air Pollutants, Petitions Process, Lesser Quantity Designations, Source Category List. [Added at 61 FR 30816 - 30823, 6/18/96; 65 FR 47342 - 47348, 08/2/00; 69 FR 69320 - 69325, 11/29/04] These three separate rulemakings removed or modified substances from the list of Hazardous Air Pollutants (HAP) in Section 112(b)(1) of the CAA. The first rulemaking removed caprolactam from the HAP list in response to a petition EPA received from AlliedSignal, Inc., BASF Corporation, and DSM Chemicals North America. The second rulemaking revised the definition of glycol ethers to exclude each individual compound in a group called the surfactant alcohol ethoxylates and their derivatives (SAED) from the glycol ethers category in the list of HAP. The rulemaking was issued by the EPA in response to an analysis of potential exposure and hazards of SAED that was prepared by the Soap and Detergent Association. The third rulemaking removed the compound ethylene glycol monobutyl ether (EGBE) (2-Butoxyethanol) from the group of glycol ethers in the HAP list. This action was taken in response to a petition to delete the substance submitted by the Ethylene Glycol Ethers Panel of the American Chemistry Council (formerly the Chemical Manufacturers Association) on behalf of EGBE producers and consumers.

Special note on EGBE: Although this chemical was removed from the federal HAP list in the November 29, 2004 rule, several of the EPA actions below preceded this removal and list EGBE as a HAP emitted.

**Part 63, Subpart J** - National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production. [Added at 67 FR 45886 - 45893, 7/10/02] In this action, EPA promulgated NESHAP for the Polyvinyl Chloride (PVC) and Copolymers Production source category. In this rule, EPA requires that new sources with equipment leaks must comply with the most current technology standards in the Generic maximum achievable control technology (MACT) rule.

**Part 63, Subpart MM** - National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills. [Direct Final Rule amendments 68 FR 7706 - 7718, 2/18/03] In the February 18, 2003 ruling, EPA took direct final action on amendments to the NESHAP for chemical

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recovery combustion sources at kraft, soda, sulfite, and stand-alone semichemical pulp mills, which were issued on January 12, 2001. The amendments clarify and consolidate the monitoring and testing requirements and add a site-specific alternative standard for one pulp mill. [Final rule amendments 68 FR 42603 - 42605, 7/18/03] In the July 18, 2003 rule, EPA amended Part 63, Subpart MM by deleting provisions which were the subject of adverse comments from the February 18, 2003 final rule. EPA also made minor corrections to Part 63, Subpart MM. [Final rule technical corrections 68 FR 67953 - 67955, 12/5/03] In the December 5, 2003 final rule, EPA restored provisions which were inadvertently deleted by the 7/18/03 amendments and restored a provision which was inadvertently omitted from the 1/12/01 final rule. [Final rule technical corrections 69 FR 25321 - 25324, 5/6/04] In the May 6, 2004 final rule, EPA corrected several cross-references in Part 63, Subpart MM in order to be consistent with the text shifts made in the February 18, 2003 amendments.

**Part 63, Subpart SS** - National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process; **Part 63, Subpart TT** - National Emission Standards for Equipment Leaks - Control Level 1; **Part 63, Subpart UU** - National Emission Standards for Equipment Leaks - Control Level 2 Standards; **Part 63, Subpart WW** - National Emission Standards for Storage Vessels (Tanks) - Control Level 2; **Part 63, Subpart XX** - National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations; **Part 63, Subpart YY** - National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards. [Added and Revised at 67 FR 46258 - 46289, 7/12/02] This action added NESHAPs for four additional source categories: Cyanide Chemicals Manufacturing, Carbon Black Production, Ethylene Production, and Spandex Production. EPA identified these four source categories as major sources of hazardous air pollutants (HAP), including cyanide compounds, acrylonitrile, acetonitrile, carbonyl sulfide, carbon disulfide, benzene, 1,3-butadiene, toluene, and 2,4-toluene diisocyanate (TDI). These standards implement section 112(d) of the Clean Air Act (CAA) by requiring all major sources to meet HAP emission standards reflecting the application of MACT. This action also promulgated NESHAP for the heat exchange systems and wastewater operations at ethylene manufacturing facilities. The EPA has also amended **Part 63, Subpart YY** in direct final rule amendments published at 67 FR 46289 - 46293, 7/12/02. This latter action amends the "generic" MACT standards to clarify EPA's intent concerning dry spinning spandex production processes. The EPA has also amended **Part 63, Subpart XX** in final rule amendments published at 68 FR 70960 - 70966, 12/19/03 (Note: This latter final rule also amends **Part 63, Subpart R**).

**Part 63, Subpart EEE** - National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors. [Technical Correction 67 FR 77687 - 77692, 12/19/02] In this action, EPA corrected technical errors in 40 CFR 63, Subpart EEE.

**Part 63, Subpart JJJ** - National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins. [Correction 69 FR 31008, 6/2/04] EPA has corrected 40 CFR Part 63, Subpart JJJ in this rulemaking.

**Part 63, Subpart LLL** - National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry. [Partial withdrawal of direct final rule 67 FR 44371 - 44372, 7/2/02] On April 5, 2002, the EPA promulgated amendments to the NESHAP for the portland cement manufacturing industry as a direct final rule. EPA has withdrawn the corresponding parts of that direct final rule for which adverse comments were received. [Final rule; clarifications and correction 67 FR 44766 - 44769, 7/5/02] The action on July 5, 2002 corrects requirements for the portland cement manufacturing industry that were published in the 4/5/02 Federal Register. [Final rule amendments 67 FR 72580 - 72585, 12/6/02] In the December 6, 2002 final rule, EPA took final action on certain amendments to the

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NESHAP for the portland cement manufacturing industry. These amendments make improvements to the implementation of the emission standards, primarily in the areas of applicability, testing, and monitoring where issues and questions were raised since promulgation of the rule.

**Part 63, Subpart MMM** - National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production. [Final Rule 67 FR 59336 - 59356, 9/30/02] In this 9/30/02 final rule, EPA took final action on amendments proposed on 4/10/02 and corrected inconsistencies that have been discovered since EPA originally promulgated the rule.

**Part 63, Subpart QQQ** - National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting. [Added at 67 FR 40478 - 40506, 6/12/02] This action promulgated NESHAP for primary copper smelting. Primary copper smelters can potentially emit significant amounts of certain toxic metals listed as HAP under CAA section 112(b)(1), including antimony, arsenic, beryllium, cadmium, cobalt, lead, manganese, nickel and selenium. This final rule established emissions limitations and work practice standards for primary copper smelters that are (or a part of) a major source of HAP emissions and that use batch copper converters. The standards reflect the application of MACT.

**Part 63, Subpart RRR** - National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production. [Withdrawal of direct final rule 67 FR 52616 - 52617, 8/13/02] On June 14, 2002, the EPA promulgated amendments to the NESHAP for the secondary aluminum production industry as a direct final rule. In this action, EPA has withdrawn the entire direct final rule due to adverse comments received. [Amended at 67 FR 59787 - 59793, 9/24/02] In the September 24, 2002 action, EPA promulgated final amendments to the NESHAP for the secondary aluminum production industry based on the June 14, 2002 proposal. [Corrected at 67 FR 68038, 11/8/02] In the November 8, 2002 final action, EPA corrected effective dates for the NESHAPs. [Amended at 67 FR 79808 - 79819, 12/30/02] The December 30, 2002 action amended the applicability provisions for aluminum die casters, foundries, and extruders. The amendments also added new provisions governing control of commonly-ducted units; revised the procedures for adoption of operation, maintenance, and monitoring plans; revised the criteria concerning testing of representative emission units; revised the standard for unvented in-line flux boxes; and clarified the control requirements for sidewall furnaces. These changes were made pursuant to settlement agreements in two cases.

**Part 63, Subpart VVV** - National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works. [Final rule amendments 67 FR 64742 - 64746, 10/21/02] In this action, EPA promulgated amendments which were proposed pursuant to a settlement agreement regarding a petition for judicial review of the publicly owned treatment works NESHAP.

**Part 63, Subpart EEEE** - National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline). [Added at 69 FR 5038 - 5087, 2/3/04] This final rule promulgated NESHAP for new and existing organic liquids distribution (non-gasoline) operations, which are carried out at storage terminals, refineries, crude oil pipeline stations, and various manufacturing facilities. The most prevalent organic HAP emitted nationwide from these operations are benzene, ethylbenzene, toluene, vinyl chloride, and xylenes. These NESHAP implement section 112(d) of the CAA by requiring the application of MACT for plant sites that are major sources.

**Part 63, Subpart FFFF** - National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing. [Added at 68 FR 63852 - 63911, 11/10/03] In this action, EPA promulgated NESHAP for miscellaneous organic chemical manufacturing facilities. The final rule established emission limits and work practice standards for new

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and existing miscellaneous organic chemical manufacturing process units, wastewater treatment and conveyance systems, transfer operations, and associated ancillary equipment. The HAP emitted from miscellaneous organic chemical manufacturing facilities include toluene, methanol, xylene, hydrogen chloride, and methylene chloride. The standards reflect the application of MACT.

**Part 63, Subpart IIII** - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks. [Added at 69 FR 22602 - 22661, 4/26/04] This final rule promulgates NESHAP for automobile and light-duty truck surface coating operations located at major sources of HAP. The primary HAP emitted by these operations are toluene, xylene, glycol ethers, methyl ethyl ketone, methyl isobutyl ketone, ethylbenzene, and methanol. These NESHAP implement section 112(d) of the CAA by requiring the application of MACT. This action also amends the Surface Coating of Miscellaneous Metal Parts and Products NESHAP (40 CFR part 63, subpart MMMM) and the Surface Coating of Plastic Parts and Products NESHAP (40 CFR part 63, subpart PPPP) to clarify the interaction between these rules and this NESHAP.

**Part 63, Subpart JJJJ** - National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating. [Added at 67 FR 72330 - 72362, 12/4/02] This action finalizes NESHAP for facilities that coat paper and other web substrates and are major sources of HAP emissions. The standards implement section 112(d) of the CAA to protect public health and the environment by reducing HAP emissions from new and existing facilities.

**Part 63, Subpart KKKK** - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans. [Added at 68 FR 64432 - 64480, 11/13/03] In this final rule, EPA promulgated NESHAP for metal can surface coating operations located at major sources of HAP. The HAP emitted by these facilities include ethylene glycol monobutyl ether and other glycol ethers, xylenes, hexane, methyl isobutyl ketone, and methyl ethyl ketone. The final standards implement section 112(d) of the CAA by requiring the application of MACT.

**Part 63, Subpart MMMM** - National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products. [Added at 69 FR 130 - 192, 1/2/04] This action finalizes NESHAP for miscellaneous metal parts and products surface coating operations located at major sources of HAP. The final rule will protect air quality and promote the public health by reducing emissions of HAP from facilities in the miscellaneous metal parts and products surface coating source category. The organic HAP emitted by these operations include xylenes, toluene, methyl ethyl ketone, phenol, cresols/cresylic acid, glycol ethers, styrene, methyl isobutyl ketone, and ethyl benzene. The standards reflect the application of MACT.

**Part 63, Subpart NNNN** - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances. [Added at 67 FR 48254 - 48288, 7/23/02] This final rule promulgated NESHAP for existing and new facilities that apply surface coatings to large appliances. The intent of the standards is to protect the public by requiring new and existing major sources to control emissions with the implementation of MACT. The HAP typically emitted by these sources include glycol ethers, methylene diphenyl diisocyanate, methyl ethyl ketone, toluene, and xylene.

**Part 63, Subpart OOOO** - National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles. [Added at 68 FR 32172 - 32229, 5/29/03] In this final rule, EPA promulgated NESHAP for existing and new fabric and other textile coating, printing, slashing, dyeing and finishing operations. The final standards implement section 112(d) of the CAA by requiring all major sources to meet the HAP emission standards reflecting the

application of the MACT. The principal HAP emitted by these sources include toluene, methyl ethyl ketone, methanol, xylenes, methyl isobutyl ketone, methylene chloride, trichloroethylene, n-hexane, glycol ethers, and formaldehyde.

**Part 69, Subpart PPPP** - National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products. [Added at 69 FR 20968 - 21022, 4/19/04 and amended at 69 FR 22602 - 22661, 4/26/04] This action promulgates NESHAP for plastic parts and products surface coating operations located at major sources of HAP. The final rule will protect air quality and promote the public health by reducing emissions of HAP from these facilities and requiring the application of MACT. The organic HAP emitted by these operations include methyl ethyl ketone, methyl isobutyl ketone, toluene, ethylene glycol monobutyl ether and other glycol ethers, and xylenes.

**Part 63, Subpart QQQQ** - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products. [Added at 68 FR 31746 - 31788, 5/28/03] This final rule promulgated NESHAP for wood building products surface coating operations. The final standards establish emission limitations, operating limits and work practice requirements for all major sources that apply a surface coating to a wood building product. Wood building products surface coating operations emit several HAP, including xylenes, toluene, ethyl benzene, ethylene glycol monobutyl ether, other glycol ethers, methyl ethyl ketone, methyl isobutyl ketone, methanol, styrene and formaldehyde. The standards reflect the application of MACT.

**Part 63, Subpart RRRR** - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture. [Added at 68 FR 28606 - 28646, 5/23/03] In this final rule, the EPA promulgated NESHAP for new and existing metal furniture surface coating operations located at major sources of HAP emissions. Metal furniture surface coating operations emit HAPs such as xylene, toluene, ethylene glycol monobutyl ether and other glycol ethers, ethylbenzene, and methyl ethyl ketone. The final standards implement section 112(d) of the CAA by requiring the application of MACT.

**Part 63, Subpart SSSS** - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil. [Final rule technical correction 68 FR 12590 - 12592, 3/17/03] On June 10, 2002, EPA issued NESHAP for the surface coating of metal coil. This action corrected the timeline for beginning the first semiannual reporting period and submitting the first semiannual report as published in the NESHAP.

**Part 63, Subpart VVVV** - National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing. [Added at 66 FR 44218 - 44250, 8/22/01] This final rule promulgated NESHAP for new and existing boat manufacturing facilities. The processes regulated include fiberglass resin and gel coat operations, carpet and fabric adhesive operations, and aluminum recreational boat painting operations. The EPA has identified boat manufacturing as a major source of HAP, such as styrene, methyl methacrylate, methylene chloride, toluene, xylene, n-hexane, methyl ethyl ketone, methyl isobutyl ketone, and methyl chloroform. The standards reflect the application of MACT.

**Part 63, Subpart WWWW** - National Emissions Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production. [Added at 68 FR 19375 - 19443, 4/21/03] In this final rule, EPA promulgated NESHAP for new and existing reinforced plastic composites production facilities. The NESHAP regulate production and ancillary processes used to manufacture products with thermoset resins and gel coats. Reinforced plastic composites production facilities emit HAP such as styrene, methyl methacrylate, and methylene chloride. The final standards implement section 112(d) of the CAA by requiring the application of MACT.

**Part 63, Subpart XXXX** - National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing. [Added at 67 FR 45588 - 45625, 7/9/02] This final rule promulgated NESHAP for new and existing sources at rubber tire manufacturing facilities. The EPA has identified rubber tire manufacturing facilities as major sources of HAP emissions. The primary HAP that will be controlled with the application of MACT in this action include toluene and hexane. [Final rule technical correction, 68 FR 11745 - 11747, 3/12/03] This action corrected errors and clarified regulatory text of the NESHAP for rubber tire manufacturing which was issued as a final rule on July 9, 2002.

**Part 63, Subpart YYYY** - National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines. [Added at 69 FR 10512 - 10548, 3/5/04] This action promulgated NESHAP for stationary combustion turbines. The EPA has identified stationary combustion turbines as major sources of HAP emissions, such as formaldehyde, toluene, benzene, and acetaldehyde. In the final NESHAP, EPA has divided the stationary combustion turbine category into eight subcategories. EPA has also adopted a final emission standard requiring control of formaldehyde emissions for all new or reconstructed stationary combustion turbines in the four lean premix diffusion flame subcategories. The standards reflect the application of MACT.

**Part 63, Subpart ZZZZ** - National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. [Added at 69 FR 33474 - 33522, 6/15/04] This final rule promulgated NESHAP for stationary reciprocating internal combustion engines with a site-rating of more than 500 brake horsepower. The EPA has identified stationary reciprocating internal combustion engines as major sources of HAP emissions such as formaldehyde, acrolein, methanol, and acetaldehyde. The final standards implement section 112(d) of the CAA by requiring the application of MACT.

**Part 63, Subpart AAAAA** - National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants. [Added at 69 FR 394 - 433, 1/5/04] This action promulgated NESHAP for the lime manufacturing source category. The lime manufacturing emission units regulated will include lime kilns, lime coolers, and various types of processed stone handling operations. The EPA has identified the lime manufacturing industry as a major source of HAP emissions including, but not limited to, hydrogen chloride, antimony, arsenic, beryllium, cadmium, chromium, lead, manganese, mercury, nickel and selenium. The standards reflect the application of MACT.

**Part 63, Subpart BBBBB** - National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing. [Added at 68 FR 27913 - 27931, 5/22/03] In this final rule, EPA promulgated NESHAP for new and existing semiconductor manufacturing operations located at major sources of emissions of HAP. The primary HAP that will be controlled with this action include hydrochloric acid, hydrogen fluoride, methanol, glycol ethers, and xylene. The intent of the standards is to protect public health and the environment by requiring new and existing major sources to control emissions to the level attainable by implementing the MACT.

**Part 63, Subpart CCCCC** - National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks. [Added at 68 FR 18008 - 18040, 4/14/03] This final rule promulgated NESHAP for coke ovens. The final standards establish emission limitations and work practice requirements for control of HAP from pushing, quenching, and battery stacks at new and existing coke oven batteries. The HAP emitted include coke oven emissions, as well as polycyclic organic matter and volatile organic compounds such as benzene and toluene. The standards reflect the application of MACT. The EPA previously promulgated emission standards addressing emissions

from coke oven charging, topside leaks, and door leaks. [Correction 68 FR 19885, 4/22/03] EPA promulgated minor corrections in this FR notice.

**Part 63, Subpart EEEEE** - National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries. [Added at 69 FR 21906 - 21940, 4/22/04] In this final rule, EPA promulgated NESHAP for iron and steel foundries. The HAP emitted by facilities in the iron and steel foundries source category include metal and organic compounds. For iron and steel foundries that produce low alloy metal castings, metal HAP emitted are primarily lead and manganese with smaller amounts of cadmium, chromium, and nickel. For iron and steel foundries that produce high alloy metal or stainless steel castings, metal HAP emissions of chromium and nickel can be significant. Organic HAP emissions include acetophenone, benzene, cumene, dibenzofurans, dioxins, formaldehyde, methanol, naphthalene, phenol, pyrene, toluene, triethylamine, and xylene. The final standards implement section 112(d) of the CAA by requiring the application of MACT.

**Part 63, Subpart FFFFF** - National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing. [Added at 68 FR 27646 - 27677, 5/20/03] In this final rule, EPA promulgated NESHAP for integrated iron and steel manufacturing facilities. The final standards establish emission limitations for HAP emitted from new and existing sinter plants, blast furnaces, and basic oxygen process furnace shops. The HAP emitted by integrated iron and steel manufacturing facilities include metals and trace amounts of organic HAP. The standards reflect the application of MACT.

**Part 63, Subpart GGGGG** - National Emission Standards for Hazardous Air Pollutants: Site Remediation. [Added at 68 FR 58172 - 58224, 10/8/03] This final rule promulgated NESHAP from site remediations. The final rule controls HAP emissions at major sources where remediation technologies and practices are used at the site to clean up contaminated environmental media or certain stored or disposed materials that pose a reasonable potential threat to contaminate environmental media. The final rule applies to certain types of site remediation activities that are conducted at facilities where non-remediation sources are a major source of HAP emissions, and requires the application of MACT. Some site remediations already regulated by rules established under the Comprehensive Environmental Response and Compensation Liability Act or the Resource Conservation and Recovery Act are not subject to the final rule. The HAP emitted by site remediation activities can include benzene, ethyl benzene, toluene, vinyl chloride, xylenes, and other volatile organic compounds.

**Part 63, Subpart HHHHH** - National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing. [Added at 68 FR 69194 - 69201, 12/11/03] In this final rule, the EPA promulgated NESHAP for miscellaneous coating manufacturing facilities. The final rule established emission limits and work practice requirements for new and existing miscellaneous coating manufacturing operations, including process vessels, storage tanks, wastewater, transfer operations, equipment leaks, and heat exchange systems. The HAP emitted from miscellaneous coating manufacturing facilities include toluene, xylene, glycol ethers, methyl ethyl ketone, and methyl isobutyl ketone. The standards reflect the application of MACT. [Correction 68 FR 75033, 12/29/03] This final rule corrects a date in Part 63, Subpart HHHHH.

**Part 63, Subpart IIIII** - National Emission Standards for Hazardous Air Pollutants: Mercury Emissions from Mercury Cell Chlor-Alkali Plants. [Added at 68 FR 70904 - 70946, 12/19/03] This final rule promulgated NESHAP, specifically mercury emissions, from mercury cell chlor-alkali plants. The final rule will limit mercury emissions from these plants,

and require the application of MACT. Mercury cell chlor-alkali plants are a subcategory of the chlorine production source category listed under the authority of section 112(c)(1) of the CAA. In addition, mercury cell chlor-alkali plants were listed as an area source category under section 112(c)(3) and (k)(3)(B) of the CAA. In this final action, the EPA also utilized its authority under section 112(d)(4) of the CAA not to regulate chlorine and hydrochloric acid emissions from the mercury cell chlor-alkali plant subcategory. [68 FR 70948 - 70957, 12/19/03] Note: In this final rule, EPA deleted the subcategory of sources that do not utilize mercury cells to produce chlorine and caustic from the source subcategory listing under Section 112(c)(1) of the CAA. EPA has been granted this authority under Section 112(c)(9) of the CAA.

**Part 63, Subpart JJJJJ** - National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing; **Part 63, Subpart KKKKK** - National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing. [Added at 68 FR 26690 - 26755, 5/16/03] This action promulgated NESHAP for new and existing sources at brick and structural clay products manufacturing facilities and NESHAP for new and existing sources at clay ceramics manufacturing facilities. The two subparts will protect air quality and promote the public health by reducing emissions of several of the HAP listed in section 112(b)(1) of the CAA. [Corrections 68 FR 31744, 5/28/03] EPA promulgated minor corrections in this final rulemaking.

**Part 63, Subpart LLLLL** - National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing. [Added at 68 FR 22976 - 23007, 4/29/03; Republished at 68 FR 24562 - 24593, 5/7/03] In this final rule, EPA promulgated NESHAP for existing and new asphalt processing and asphalt roofing manufacturing facilities. The EPA has identified asphalt processing and asphalt roofing manufacturing facilities as major sources of HAP such as formaldehyde, hexane, hydrogen chloride, phenol, polycyclic organic matter, and toluene. The final standards implement section 112(d) of the CAA by requiring all major sources to meet HAP emission standards with application of MACT.

**Part 63, Subpart MMMMM** - National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations. [Added at 68 FR 18062 - 18080, 4/14/03] This action promulgated NESHAP for new and existing sources at flexible polyurethane foam fabrication facilities. The EPA has identified flexible polyurethane foam fabrication facilities as major sources of HAP emissions. The primary HAP that will be controlled with this action include hydrochloric acid, 2,4-toluene diisocyanate, and hydrogen cyanide. This action also precludes the use of methylene chloride. The standards reflect the application of MACT.

**Part 63, Subpart NNNNN** - National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production. [Added at 68 FR 19076 - 19103, 4/17/03] In this final rule, EPA promulgated NESHAP for hydrochloric acid (HCl) production facilities, including HCl production at fume silica facilities. The primary HAP that will be controlled with this action is HCl. These standards implement section 112(d) of the CAA by requiring all major sources to meet HAP emission standards and implement work practice standards that reflect the application of MACT.

**Part 63, Subpart PTTTT** - National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Stands. [Added at 68 FR 28774 - 28804, 5/27/03] This action promulgated NESHAP for engine test cells/stands. EPA has identified engine test cells/stands as major sources of HAP such as toluene, benzene, mixed xylenes, and 1,3-butadiene. The standards reflect the application of MACT. [Correction 68 FR 51830, 8/28/03] EPA made a minor typographical correction in this rulemaking.

**Part 63, Subpart QQQQQ** - National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities. [Added at 67 FR 64498 - 64512, 10/18/02] In this final rule, EPA promulgated NESHAP for new and existing friction materials manufacturing facilities. Some of these facilities, specifically those that perform solvent mixing, have been identified as major sources of HAP including n-hexane, toluene, and trichloroethylene. These standards require all major sources to meet HAP emission standards by applying MACT.

**Part 63, Subpart RRRRR** - National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing. [Added at 68 FR 61868 - 61903, 10/30/03] This final rule promulgated NESHAP for taconite iron ore processing facilities. The final standards establish emission limitations for HAP emitted from new and existing ore crushing and handling operations, ore dryers, indurating furnaces, and finished pellet handling operations. The HAP emitted by taconite iron ore processing facilities include metal compounds, products of incomplete combustion, and the acid gases hydrogen chloride and hydrogen fluoride. The standards reflect the application of MACT.

**Part 63, Subpart SSSSS** - National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing. [Added at 68 FR 18730 - 18785, 4/16/03] This action promulgated NESHAP for new and existing refractory products manufacturing facilities. The final rule will protect air quality and promote the public health by reducing emissions of several of the HAP listed in section 112(b)(1) of the CAA, including ethylene glycol, formaldehyde, hydrogen fluoride, hydrochloric acid, methanol, phenol, and polycyclic organic matter. The final rule requires all major sources to meet HAP emission standards with the application of MACT.

**Part 63, Subpart TTTTT** - National Emission Standards for Hazardous Air Pollutants for Primary Magnesium Refining. [Added at 68 FR 58615 - 58629, 10/10/03] In this final rule, EPA promulgated NESHAP for primary magnesium refining facilities. The EPA has identified primary magnesium refining facilities as a major source of HAP emissions. The HAP emitted by facilities in the primary magnesium refining source category include chlorine, hydrochloric acid, dioxan/furan, and trace amounts of several HAP metals. The NESHAP implements section 112(d) of the CAA by requiring all major sources to meet HAP emission standards reflecting application of MACT.

#### **40 CFR 72, 74, 75 and 76, Acid Rain**

[Revised at 67 FR 53503 - 53505, 8/16/02 and 67 FR 57274, 9/9/02]

On June 12, 2002, EPA published final revisions to various provisions in 40 CFR parts 72 and 75 (67 FR 40394 - 40476). These revisions, which modified the existing requirements for sources affected by the Acid Rain Program and the NO[X] Budget Trading Program under the October 27, 1998 NO[X] SIP Call, were incorporated into Maricopa County rules in an 11/19/03 rulemaking. EPA has made corrections to the June 12, 2002 final rule, and has published these corrections in 67 FR 53503 - 53505 and 67 FR 57274. Maricopa County proposes to incorporate those corrections in this rulemaking by updating the incorporations by reference of 40 CFR parts 72, 74, 75 and 76 in Rule 371 to July 1, 2004.

#### **Technical Corrections:**

In this rulemaking, Maricopa County is proposing several technical corrections. Maricopa County proposes to change the term "Maricopa County Environmental Services Department" to "Maricopa County Air Quality Department" in order to reflect the creation of the Maricopa County Air Quality Department on November 17, 2004. Maricopa County also proposes to update the suite number and telephone number of the Maricopa County Air Quality Department. Maricopa County proposes to change the term "subsection" to "section" when addressing sections of the Maricopa County Air

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Pollution Control Regulations in order to ensure consistency throughout the rules. Substantive revisions to Rule 100 are discussed in the Section by Section Explanation of Changes.

**Section by Section Explanation of Changes:**

**Rule 317, Hospital/Medical/Infectious Waste Incinerators**

Section 103 This proposal adds an "Availability of Information" section to consolidate where materials incorporated by reference are located in Rule 317.

Section 306 This proposal updates the incorporation by reference date from "July 1, 2002" to "July 1, 2004" and corrects several references to 40 CFR 60, Subpart Ec.

**Rule 321, Municipal Solid Waste Landfills**

Section 102 This proposal adds the text "reconstruction, or modification" to reflect the language used in 40 CFR 60.32c(a) and R18-2-731(A)(1).

Section 301 This proposal updates the incorporation by reference date from "July 1, 2002" to "July 1, 2004".

**Rule 360, New Source Performance Standards**

Section 201 Maricopa County proposes to revise the definition of Administrator to clarify the authorities that are not granted to the Control Officer by EPA.

Section 301 This proposal updates the incorporation by reference date from "July 1, 2002" to "July 1, 2004". Maricopa County also proposes to no longer list the authorities that EPA does not delegate to state and local agencies in Section 301, and to add the text "Incorporation by reference does not include nondelegable functions of the EPA Administrator." Maricopa County also proposes to revise the text in various sections of Rule 360, 301 for consistency with the text used in 40 CFR 60.

Section 301.76/301.78 Maricopa County proposes to remove Section 301.76, Subpart BBBB - Standards of Performance for New Small Municipal Waste Combustion Units and Section 301.78, Subpart DDDD - Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units. Negative declarations were submitted to EPA for these two subparts: 66 FR 67096 (40 CFR 62.640) and 68 FR 49364 (40 CFR 62.650(b)) stating that there are no facilities subject to these regulations in Maricopa County.

Section 302 Maricopa County proposes to add a new Section 302, Additional Requirements.

**Rule 370, Federal Hazardous Air Pollutant Program**

Section 104 This proposal updates the date from "2002" to "2004".

Section 201 This proposal adds a definition for "Administrator" to be consistent with the ADEQ rule at R18-2-1102(A). This definition clarifies the authorities that are not granted to the Control Officer by EPA.

Section 202 This proposal adds a definition for "amended water" as defined in 29 CFR 1926.1101(b).

Section 205 This proposal adds a definition for "government-issued photo identification card" due to revisions to Section 301.8, Subpart M, asbestos.

Section 208 This proposal revises the definition for MACT to be consistent with the text used in 40 CFR 63.51 and the Clean Air Act Section 112(d)(2).

Section 210 This proposal updates the date from "2002" to "2004".

Section 211 This proposal removes the text "and after an applicable rule is adopted by the Board of Supervisors."

Section 301 This proposal updates the incorporation by reference date from "July 1, 2002" to "July 1, 2004". Maricopa County also proposes to no longer list the authorities that EPA does not delegate to state

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and local agencies in Section 301, and to add the text "Incorporation by reference does not include nondelegable functions of the EPA Administrator." Maricopa County also proposes to revise the text in various sections of Rule 370, 301 for consistency with the text used in 40 CFR 61.

- Section 301.8 Maricopa County proposes changes to Subpart M, National Emission Standard for Asbestos. The substantive changes are discussed below.
- Section 301.8(a)(3) This proposal adds a new section specifying that notifications for asbestos will expire after one year. Large asbestos renovation and demolition projects that exceed one year in duration require the most commitment of Maricopa County inspection staff time, and may require multiple inspections. This proposal also clarifies that for operations and maintenance renovations described in 40 CFR 61.145(a)(4)(iii), notifications will expire every December 31.
- Section 301.8(a)(4) This proposal adds the word "thoroughly" to be consistent with the text used in 40 CFR 61.145(a), and also requires the date of this inspection to be included on the written notification.
- Section 301.8(b)(1)(b) This proposal clarifies the intent of this section. The owner or operator of a facility is required to maintain inspection reports and laboratory test results onsite for two years, but the facility is only required to submit data to Maricopa County when an asbestos notification is submitted under Section 301.8(a)(2). Maricopa County also proposes to add the requirement that hard copies of all reports must be available at the facility upon the request of the Department.
- Section 301.8(b)(1)(c) Maricopa County proposes to revise this section to clarify that asbestos workers and contractor/supervisors must maintain current certifications, and requires that a legible copy of these certifications be available on-site during any active asbestos abatement work. Certification training for asbestos workers and contractor/supervisors is required by the Asbestos Hazard Emergency Response Act (AHERA) Model Accreditation Program (MAP) (40 CFR 763, Subpart E, Appendix C). The federal asbestos NESHAP at 40 CFR 61.145(c)(8) also requires asbestos NESHAP training, and for proof of this training to be posted at the demolition or renovation site.
- Section 301.8(b)(1)(d) Due to the false certifications that Maricopa County has discovered at asbestos worksites, Maricopa County proposes to require all asbestos workers and contractor/supervisors to have color photo identification on-site and available for inspection. In the AHERA MAP program, the EPA provides states with accreditation programs the option to issue photo identification cards. Maricopa County does not issue state photo identification cards for asbestos abatement, and is therefore requiring alternate forms of photo identification.
- Section 301.8(b)(2)(a) The text in this section has been revised to clarify the intent of this section.
- Section 301.8(b)(2)(b) This proposal removes the text "and abatement", because the word "abatement" is redundant to the word "renovation" when used in reference to the asbestos NESHAP.
- Section 301.8(b)(2)(c) This proposal adds the requirement to adequately wet all regulated asbestos containing material (RACM) by using amended water, except as exempted for equipment damage or safety hazards, and for ordered demolitions as defined in 40 CFR 61.145(a)(3). The asbestos NESHAP defines "adequately wet" as to "sufficiently mix or penetrate with liquid to prevent the release of particulates". In "Guidance for Controlling Asbestos-Containing Materials in Buildings", EPA 560/5-85-024 (June 1985), the EPA recommends to use a solution of water and a wetting agent to reduce asbestos fiber release for asbestos removal projects. In the guidance document "Asbestos NESHAP Adequately Wet Guidance", EPA 340/1-90-019 (December 1990), the EPA states that "Adequate wetting of asbestos containing material (ACM) is typically accomplished by repeatedly spraying it with a liquid or a wetting agent, usually amended water (water to which surfactant

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chemicals have been added), until it can absorb no more." In 29 CFR 1926.1101, OSHA also requires the use of amended water for certain operations in Class I and Class II asbestos work.

Section 301.8(b)(2)(d) This proposal removes the text "The friable portion of regulated ACM shall be kept adequately wet and..." because by definition in 40 CFR 61.141, the friable portion of ACM is RACM. This proposal also removes the requirement to use a "6 mil poly bag" when disposing of RACM, in order to provide more options for asbestos waste disposal. Maricopa County also proposes to revise the last sentence of this section to clarify the requirements of 40 CFR 61.150(a)(1)(iii) through (v).

Section 302 This proposal updates the incorporation by reference date from "July 1, 2002" to "July 1, 2004". Maricopa County also proposes to no longer list the authorities that EPA does not delegate to state and local agencies in Section 302, and to add the text "Incorporation by reference does not include nondelegable functions of the EPA Administrator." Maricopa County also proposes to revise the text in various sections of Rule 370, 302 for consistency with the text used in 40 CFR 63. Maricopa County also proposes to add the additional NESHAPs promulgated by EPA in 40 CFR 63 from July 2, 2002 to July 1, 2004. This includes the addition of 40 CFR 63, Subpart C in which EPA codifies the chemicals that were removed from the federal list of hazardous air pollutants up until November 29, 2004.

Section 303.1 Maricopa County proposes to revise this Section.

Section 303.2 Maricopa County proposes to remove this Section.

Section 401 Maricopa County proposes to add 40 CFR 63.40 - 44, which implement Section 112(g) of the Clean Air Act. These 40 CFR subparts are incorporated by reference in Rule 370, Section 302.2.

Table I(A) This proposal removes the chemical "caprolactam/105-60-2" from the federal HAP list. The EPA removed caprolactam from the federal HAP list in 61 FR 30823, 6/18/96, and codified this change at 40 CFR 63.60.

Table I(B) This proposal redefines "glycol ethers" in the federal HAP list as promulgated by the EPA in 65 FR 47348, 8/2/00 (codified at 40 CFR 63.62) and 69 FR 69325, 11/29/04 (codified at 40 CFR 63.63).

**Rule 371, Acid Rain**

Section 104 This proposal updates the incorporation by reference date from "July 1, 2002" to "July 1, 2004".

Section 301 This proposal updates the incorporation by reference date from "July 1, 2002" to "July 1, 2004".

**6. Demonstration of compliance with A.R.S. §49-112:**

Under ARS §49-479(C), a county may not adopt or amend a rule that is more stringent than the rules adopted by the director of the ADEQ for similar sources unless it demonstrates compliance with the requirements of ARS §49-112.

**ARS § 49-112(A)**

When authorized by law, a county may adopt a rule, ordinance, or other regulation that is more stringent than or in addition to a provision of this title or rule adopted by the director or any board or commission authorized to adopt rules pursuant to this title if all the following conditions are met:

1. The rule, ordinance or other regulation is necessary to address a peculiar local condition;
2. There is credible evidence that the rule, ordinance or other regulation is either:
  - (a) Necessary to prevent a significant threat to public health or the environment that results from a peculiar local condition and is technically and economically feasible

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- (b) Required under a federal statute or regulation, or authorized pursuant to an intergovernmental agreement with the federal government to enforce federal statutes or regulations if the county rule, ordinance or other regulation is equivalent to federal statutes or regulations.

Maricopa County is in compliance with ARS § 49-112(A) in that Maricopa County has adopted revisions to the "incorporations by reference" in Rules 317, 321, 360, 370, and 371 that are not more stringent than nor are in addition to a provision of ARS Title 49 or rules adopted by the Director of ADEQ or any Board or Commission authorized to adopt rules pursuant to ARS Title 49.

Maricopa County is proposing more stringent asbestos regulations than the state of Arizona such as: the expiration of asbestos notifications after one year, requiring facility owner or operators to retain hard copies of all laboratory reports and inspection results at the facility, requiring all asbestos workers and asbestos contractor/supervisors to have color photo identification at the work site, and requiring the use of amended water to control the release of asbestos fibers. With these revisions, Maricopa County is further reducing the risk of exposure to asbestos. The justification for this increased stringency follows.

In January 2005, the administrator of the EPA signed the final rule approving the Carbon Monoxide Maintenance Plan and redesignating Maricopa County to attainment for carbon monoxide. However, Maricopa County still fails to meet the National Ambient Air Quality Standards (NAAQS) for ozone and particulates. Under 40 CFR 81.303, Maricopa County is classified as nonattainment as for the 8-hour ozone standard. Maricopa County and parts of Pinal County are the only 8-hour ozone nonattainment areas in the state of Arizona. Maricopa County is the only PM<sub>10</sub> serious nonattainment area in Arizona. Consequently, stronger regulations must be adopted in this area to address a serious health threat. In July 2002, the EPA granted Arizona's request to extend the CAA deadline for attainment of the annual and 24-hour PM<sub>10</sub> standards from 2001 to 2006. With the extension of this deadline, Arizona is required to submit to the EPA a revised PM<sub>10</sub> State Implementation Plan (SIP) for the Salt River SIP, which must include control strategies that meet the Best Available Control Measures (BACM) test and the Most Stringent Measures (MSM) test for significant sources and source categories, and that demonstrate attainment of the 24-hour federal standard for coarse particulate matter air pollution by December 31, 2006.

According to the Greater Phoenix Economic Council (GPEC), in 2004 Maricopa County had a population of 3,559,540 people comprising approximately 60% of Arizona's population of over 5.1 million residents. GPEC also states that Maricopa County is the 14th largest county in the continental United States in land area, covering over 9220 square miles. The Maricopa Association of Governments (MAG) states that between 2000 and September 2004, MAG member agencies annexed more than 217 square miles.

This increased growth in Maricopa County leads to more schools in Maricopa County than all other counties in Arizona combined. According to the Arizona Department of Education internet site, on 10/20/05 there were a total of 1510 schools in Arizona from kindergarten to grade 12, including charter schools. Maricopa County has 762 of those schools within its borders.

Due to population size and compact growth, Maricopa County receives more asbestos notifications than the State of Arizona. Maricopa County received 494 asbestos notifications from January 2004 to December 2004. For calendar year 2004, the Arizona Department of Environmental Quality received 362 notifications. Pinal County and Pima County in

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Arizona also maintain their own asbestos notification program and are not included in the numbers for the State of Arizona.

Further, according to the EPA's "Phoenix Land Use Indicators 1975 - 2000", both population and urban land use increased in the Phoenix metropolitan area from 1975 to 2000. The report cites several indicators that the Phoenix metropolitan area is growing more compactly, and that development in this area is becoming more compact. The report also states that from 1975 to 2000, urban areas have increased, while agricultural areas have decreased. More residents are living in the urbanized area and more are living adjacent to agricultural areas and industrial centers. Consequently, more residents are being exposed to a variety of different pollutants in different quantities.

High levels of occupational asbestos exposure are associated with three specific diseases: asbestosis, mesothelioma, and lung cancer. Both the International Agency for Research on Cancer (IARC) and EPA classify asbestos as known human carcinogens. When asbestos fibers are inhaled into the lungs some may lodge in the lower respiratory tract, and causes asbestosis. Asbestosis is triggered by production of collagen that makes the lung tissue hard and fibrous. Mesothelioma is a disease that results in tumors in the lining of the chest, abdominal cavity or heart. According to the National Institute for Occupational Safety and Health, the number of deaths from asbestos in Arizona increased from 6 in 1990 to 21 in 1999. The increase in median age at death from asbestosis reflects lower occupational exposure in younger generations.

The dense population of Maricopa County and high level of activity increase the risk of population exposure to asbestos. According to the document "Air Toxics and Risk Assessment", based on an exposure concentration of 3 ng/m<sup>3</sup> to asbestos in the *urban* (emphasis added) air, the best estimates for risk to the population for asbestos alone are:

Mesothelioma Risks:	females:	2.8 deaths/100,000 population
	males:	1.9 deaths/100,000 population
Lung Cancer Risks:	females:	0.5 deaths/100,000 population
	males:	1.7 deaths/100,000 populations

In its "National Air Toxics Assessment", the EPA characterized the quantitative estimates of risks posed by 32 common air toxics identified by the EPA's Integrated Urban Air Toxics Strategy. Although asbestos was not included in this study, the EPA concluded that for all air toxics compounds listed as known or probable carcinogens, the combined upper bound lifetime cancer risk exceeded 10 in one million for the entire United States. In the study "Science and Judgment in Risk Assessment" the National Research Council, states that epidemiological evidence concerning the synergistic potential of human carcinogens (usually involving long-term cigarette smoking) has been extensively reviewed. For example, asbestos exposure among workers who have a history of cigarette-smoking can produce an increased incidence of lung cancer that is greater than that predicted from the administration of either agent alone. The National Toxicology Program's "11th Report on Carcinogens" agrees that asbestos exposure and smoking increases the risk of lung cancer in a synergistic manner. The Agency for Toxic Substances and Disease Registry (ATSDR) indicates that there is also evidence that smoking has a synergistic effect on the occurrence of parenchymal opacities in the lungs of asbestos workers, and that smoking increases the risk of asbestosis. According to the Arizona Hazardous Air Pollution Research Program, Phoenix has the largest annual excess cancer risk and non-cancer hazard indices in the areas studied. Asbestos was not included in the Arizona Hazardous Air Pollution Research Program, however the document did recommend that "hot spots" be searched out and concentrations of hazardous air pollutants at the hot spots be evaluated.

These more stringent asbestos regulations will improve the efficiency of asbestos removal work. The expiration of asbestos notifications after one year will help Maricopa County inspectors complete more thorough inspections of large asbestos renovation and demolition projects. These large asbestos renovation and demolition projects that exceed one year in duration require the most commitment of Maricopa County inspection staff time, and may require multiple inspections. The requirement for facility owner or operators to retain hard copies of all laboratory reports and inspection results at the facility will save time that inspectors have to wait for hard copies of these documents to be obtained, and help to prevent multiple visits by the inspectors to the facilities. The additional time associated with donning specialized personal protective equipment, decontamination, and loss of productivity increases the time for each inspection. The requirement for all asbestos workers and asbestos contractor/supervisors to have color photo identification at the work site will help to eliminate false certifications that have been noted by Maricopa County inspectors. The use of certified and trained workers on asbestos removal jobs minimizes mistakes and compliance problems, and is required under the Asbestos Hazard Emergency Response Act (AHERA) Model Accreditation Program (MAP) (40 CFR 763, Subpart E, Appendix C) and 40 CFR 61.145(c)(8). If a higher non-compliance rate occurs as a result of improperly trained workers, there will be additional costs in order for Maricopa County to take necessary compliance and enforcement actions. Finally, the requirement to use amended water will help to further control the release of asbestos fibers. Note that in 29 CFR 1926.1101, OSHA requires the use of amended water for certain operations in Class I and Class II asbestos work. The asbestos NESHAP defines "adequately wet" as to "sufficiently mix or penetrate with liquid to prevent the release of particulates". EPA, in its "Guidance for Controlling Asbestos-Containing Materials in Buildings", EPA 560/5-85-024 (June 1985), recommends to use a solution of water and a wetting agent to reduce asbestos fiber release for asbestos removal projects. In the guidance document "Asbestos NESHAP Adequately Wet Guidance", EPA 340/1-90-019 (December 1990), the EPA states that "Adequate wetting of ACM is typically accomplished by repeatedly spraying it with a liquid or a wetting agent, usually amended water (water to which surfactant chemicals have been added), until it can absorb no more." Maricopa County is characterized as a desert environment. From the years 1991 - 1995, the average temperature of the Phoenix metropolitan area was 74.6 Deg F with a relative humidity of 37%. Requiring the use of amended water to ensure that ACM is kept adequately wet, will ensure better compliance with the asbestos NESHAP due to the hot, dry, climate of Maricopa County.

Maricopa County is proposing these revisions to Rule 370, Subpart M to prevent a significant threat to public health or the environment that results from a peculiar local condition, the growth and dense population in the urbanized area of Maricopa County which leads to larger numbers of asbestos notifications in Maricopa County compared with those reported for the State of Arizona. There is also epidemiological evidence concerning the synergistic potential of human carcinogens, and according to the Arizona Hazardous Air Pollution Research Program, Phoenix has the largest annual excess cancer risk and non-cancer hazard indices in the areas studied. The EPA has also designated Maricopa County as PM<sub>10</sub> and 8-hour ozone nonattainment areas. The hot, dry climate of Maricopa County also represents a peculiar local condition. Requiring the use of amended water to ensure that ACM is kept adequately wet, will ensure better compliance with the asbestos NESHAP due to the hot, dry, climate of Maricopa County. These rule revisions are technically and economically feasible.

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**ARS § 49-112(B)**

The ARS § 49-112(B) demonstration does not apply because these particular rules are in that portion of Maricopa County's air quality program that is administered under direct statutory authority. Therefore, these rules are not being adopted or revised in lieu of a state program.

**7. A reference to any study relevant to the rule that the department reviewed and either proposes to rely on or not rely on its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

"Air Toxics and Risk Assessment", Edward Calabrese and Elaina Kenyon, Lewis Publishers, Inc, 121 S Main Street, Chelsea, MI, 48118, 1991, p. 143. Relevant portions of document are available for review at: Maricopa County Air Quality Department, 1001 N Central Avenue, Suite 695, Phoenix, AZ, 85004.

"Arizona Hazardous Air Pollution Research Program Executive Summary", ENSR Document No. 0493-013-920, ENSR Consulting and Engineering, 1220 Avenida Acaso, Camarillo, CA, December 1995, pp. ES-13, ES-15, ES-24. Available for review at: Maricopa County Air Quality Department, 1001 N Central Avenue, Suite 695, Phoenix, AZ, 85004.

"Asbestos in Arizona", Raymond C Harris, Arizona Geology, Volume 34, No 1, Arizona Geological Survey, 416 West Congress, Suite 100, Tucson, AZ, 85701, Spring 2004, p.2. Available for review at: Maricopa County Air Quality Department, 1001 N Central Avenue, Suite 695, Phoenix, AZ, 85004.

"Asbestos NESHAP Adequately Wet Guidance", EPA 340/1-90-019, EPA, Office of Air Quality Planning and Standards, Stationary Source Compliance Division, Washington, DC, 20460, December 1990. Available for review at: Maricopa County Air Quality Department, 1001 N Central Avenue, Suite 695, Phoenix, AZ, 85004.

"Climate of Phoenix: Part I", Randall S Cervený, Office of Climatology - Department of Geography, Arizona State University, Tempe, AZ, p. 22. internet site: <http://geography.asu.edu/cervený/wxpart1.htm>. Available for review at: Maricopa County Air Quality Department, 1001 N Central Avenue, Suite 695, Phoenix, AZ, 85004.

"EPA Land Use Indicators 1975 - 2000" EPA, Washington, DC, 3/30/04, internet site: [www.epa.gov/urban/phx/indicators.htm](http://www.epa.gov/urban/phx/indicators.htm). Available for review at: Maricopa County Air Quality Department, 1001 N Central Avenue, Suite 695, Phoenix, AZ, 85004.

"EPA National Air Toxics Assessment", EPA, Ariel Rios Building, 1200 Pennsylvania Ave, NW, Washington, DC, 20460, 202-272-0167, internet site: [www.epa.gov/ttn/atw/nata/risksum.html](http://www.epa.gov/ttn/atw/nata/risksum.html). Relevant portions of document available for review at: Maricopa County Air Quality Department, 1001 N Central Ave, Suite 695, Phoenix, AZ 85004.

"Guidance for Controlling Asbestos-Containing Materials in Buildings", EPA 560/5-85-024, EPA, Office of Pesticides and Toxic Substances, Washington, DC, 20460, June 1985, p. 5-3. Available for review at: Maricopa County Air Quality Department, 1001 N Central Avenue, Suite 695, Phoenix, AZ, 85004.

"MAG Regional Report", Maricopa Association of Governments (MAG), 302 N 1st Avenue, Suite 300, Phoenix, AZ, 85003, January 2005, p. 22. Available for review at: Maricopa County Air Quality Department, 1001 N Central Avenue, Suite 695, Phoenix, AZ, 85004.

"Maricopa County Profile", Greater Phoenix Economic Council (GPEC) Information Center, Two North Central Avenue, Suite 2500, Phoenix, AZ, 85004, internet site: [www.gpec.org/eresponse/maricopa.htm](http://www.gpec.org/eresponse/maricopa.htm). Available for review at: Maricopa County Air Quality Department, 1001 N Central Avenue, Suite 695, Phoenix, AZ, 85004.

"Report on Carcinogens, Eleventh Edition", US Department of Health and Human Services, Public Health Service, National Toxicology Program, Research Triangle Park, NC, Asbestos Substance Profile. Relevant portions of document available for review at: Maricopa County Air Quality Department, 1001 N Central Avenue, Suite 695, Phoenix, AZ, 85004.

"Science and Judgment in Risk Assessment", National Research Council, National Academy Press, Washington, DC, 1994, pp.226 - 228. internet site: [www.nap.edu/books/030904894X/html/R1.html](http://www.nap.edu/books/030904894X/html/R1.html). Relevant portions of document available for review at: Maricopa County Air Quality Department, 1001 N Central Avenue, Suite 695, Phoenix, AZ, 85004.

"School List Wizard", Arizona Department of Education, 1535 W Jefferson, Phoenix, AZ, 85007, internet site: [www.ade.state.az.us/wizard/](http://www.ade.state.az.us/wizard/), 10/20/05. Available for review at: Maricopa County Air Quality Department, 1001 N Central Avenue, Suite 695, Phoenix, AZ, 85004.

"Toxicological Profile for Asbestos", US Department of Health and Human Services, Public Health Service, Agency for Toxic Substances and Disease Registry, Atlanta, GA, September 2001, pp. 112 - 113. Available for review at: Maricopa County Air Quality Department, 1001 N Central Avenue, Suite 695, Phoenix, AZ, 85004.

Also see the *Federal Register* articles listed in item #5.

**8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable.

**9. The preliminary summary of the economic, small business, and consumer impact:**

**Rule Identification**

Rule 317 – Hospital/Medical/Infectious Waste Incinerators

Rule 321 – Municipal Solid Waste Landfills

Rule 360 – New Source Performance Standards

Rule 370 – Federal Hazardous Air Pollutant Program

Rule 371 – Acid Rain

**Economic, small business and consumer impact summary**

**Background**

Maricopa County is proposing to update its incorporations by reference of the following federal regulations: New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Acid Rain, Hospital/Medical/Infectious Waste Incinerators, and Municipal Solid Waste Landfills by updating the "incorporation by reference" dates from July 1, 2002 to July 1, 2004. Maricopa County also proposes to add the additional NESHAPs promulgated by the Environmental Protection Agency (EPA) in 40 CFR 63 from July 2, 2002 to July 1, 2004. This includes the addition of 40 CFR 63, Subpart C in which the EPA codifies the chemicals that were removed from the federal Hazardous Air Pollutant (HAP) list up until November 29, 2004. Maricopa County also proposes to revise Table I of Rule 370, which lists the federal HAP list. In this rulemaking, Maricopa County is also proposing several technical corrections, including revision of text in various sections of the rules for consistency with the text used in 40 CFR. Finally, Maricopa County is proposing changes to Rule 370, Subpart M - National Emission Standard for Asbestos. The substantive changes that will have an economic impact are discussed in the cost/benefit analysis/summary.

**Cost/benefit analysis/summary**

There are no additional costs to the regulated community when an agency incorporates an already effective federal standard. The costs of compliance have already occurred, and were considered when the federal regulation was proposed and adopted. The majority of the revisions in these rules are incorporating by reference the federal NSPSs, NESHAPs, and Acid Rain regulations. The proposed revisions incorporating these standards by reference impose no additional costs

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on the regulated community, small businesses, political subdivisions, and members of the public. Other proposed rule changes are non-substantive language corrections, changes made for consistency within the Maricopa County Air Pollution Control Regulations, and changes made to keep the Maricopa County Air Pollution Control regulations consistent with the text in 40 CFR.

There will be some additional costs to the regulated community and small businesses due to the changes to Rule 370, Section 301.8, Subpart M - National Emission Standard for Asbestos. In Section 301.8(a)(3), Maricopa County proposes to add a new section specifying that notifications for asbestos will expire after one year. Large asbestos renovation and demolition projects that exceed one year in duration require the most commitment of Maricopa County inspection staff time, because such large projects are likely to require multiple inspections. The projected cost to the regulated community and small businesses is an additional \$425.00 for asbestos projects that exceed one year in duration. In Section 301.8(a)(4) Maricopa County proposes to add the word "thoroughly" to be consistent with the text used in 40 CFR 61.145(a). With this revision, Maricopa County is reinforcing the EPA's intent that a thorough inspection for the presence of asbestos must be completed at each facility, and that any materials suspected of containing asbestos should be sampled and analyzed. Maricopa County has also revised Section 301.8(a)(4) to require that the date that the owner or operator completed the facility inspection be included on the asbestos notification. This additional requirement is administrative, and will entail no additional costs.

Maricopa County proposes to add to Section 301.8(b)(1)(b) the requirement for all facility owners and operators to maintain a copy of all inspection reports and laboratory test results at the facility. Maricopa County proposes to revise Section 301.8(b)(1)(c) to clarify that all asbestos workers and contractor/supervisors must maintain current asbestos certification, as required in the Asbestos Hazard Emergency Response Act (AHERA) Model Accreditation Program (MAP), 40 CFR 763, Subpart E, Appendix C. Maricopa County also proposes to add the requirement that a legible copy of these training certificates be available for inspection at all times, as required in 40 CFR 763, Subpart E, Appendix C. The asbestos NESHAP at 40 CFR 61.145(c)(8) requires that evidence that required training be posted at the demolition or renovation site. The only cost to the regulated community and small businesses for these requirements will be the cost to photocopy the inspection reports, laboratory test results, and training certificates. In Section 301.8(b)(1)(d), Maricopa County proposes to require all asbestos workers and contractor/supervisors to have color photo identification on-site and available for inspection at the asbestos worksite. In the AHERA MAP program, the EPA provides states with accreditation programs the option to issue photo identification cards. Maricopa County does not issue state photo identification cards for asbestos abatement, and is therefore requiring an alternate form of photo identification. Asbestos workers and contractor/supervisors that do not have current photo identification may have to obtain photo identification. For example, the cost for obtaining an Arizona state driver's license is: \$25.00 age 16 - 39; \$20.00 age 40 - 44; \$15.00 age 45 - 49; and \$10.00 age 50 or above. The cost for obtaining an Arizona state identification card is \$12.00. The cost for a duplicate Arizona state driver's license or identification card is \$4.00.

In Section 301.8(b)(2)(c), Maricopa County proposes to expand on the requirement that all regulated asbestos containing material (RACM) be kept adequately wet by adding the requirement to use amended water, except as exempted for safety reasons, equipment maintenance reasons, or for ordered demolitions. Note that Maricopa County rules already require RACM to be kept adequately wet, and OSHA requires the use of amended water for certain operations in Class I and Class II asbestos work in 29 CFR 1926.1101. The asbestos NESHAP defines "adequately wet" as to "sufficiently mix or penetrate with liquid to prevent the release of particulates". The EPA, in its "Guidance for Controlling Asbestos-Containing Materials in Buildings", EPA 560/5-85-024 (June 1985), recommends to use a solution of water and a wetting

agent to reduce asbestos fiber release for asbestos removal projects. In the guidance document "Asbestos NESHAP Adequately Wet Guidance", EPA 340/1-90-019 (December 1990), the EPA states that "Adequate wetting of ACM is typically accomplished by repeatedly spraying it with a liquid or a wetting agent, usually amended water (water to which surfactant chemicals have been added), until it can absorb no more." The two main suppliers of asbestos abatement material in Maricopa County were contacted to determine the costs to the regulated community and small businesses. Both suppliers sell one type of chemical wetting agent (or surfactant) each. A five gallon pail of chemical wetting agent from one supplier costs \$33.75. The coverage area of this surfactant is approximately 500 ft<sup>2</sup> per gallon. A five gallon pail of chemical wetting agent from another supplier costs between \$26.00 to \$30.00 depending on the quantity of product purchased. This second product may be diluted with water by not more than 2 parts water to 1 part surfactant, thus the coverage area of this second product will vary with the size of each project. The costs accumulated by the regulated community and small businesses will thus vary with the size of the project. However, the cost for the wetting agent may be offset by the decrease in the amount of water needed to keep the ACM adequately wet.

Maricopa County proposes to revise Section 301.8(b)(2)(d) in order to clarify the requirements of 40 CFR 61.150(a)(1)(iii) through (v). The proposal in this section to remove the requirement to use a "6 mil poly bag" when disposing of RACM will lessen the economic burden on the regulated community and small businesses. A bag can be considered a subset of a wrapping, therefore having both terms is redundant. By removing the term "6 mil poly bag", Maricopa County is providing businesses with more options for containers to use for RACM disposal.

In Rule 370, Table I, Maricopa County proposes to remove chemicals from the federal HAP list. This will lessen the economic burden on the regulated community and small businesses.

Costs to Maricopa County are those that may accrue for implementation and enforcement of the standards as county law. Although there will be some small incremental costs due to this rulemaking, Maricopa County does not intend to hire any additional employees to implement or enforce these rules. This rulemaking is expected to have a minimal effect on county revenues with the additional fees that will be collected for asbestos projects that exceed one year under Rule 370, Section 301.8(a)(3). There may be some additional costs to the public (consumers) if businesses choose to raise prices due to any increased costs.

Benefits accrue to the regulated community when a county agency incorporates a federal regulation in order to become the primary implementer of the regulation, because the county agency is closer to those being regulated and, therefore, is generally easier to contact and to work with to resolve differences, compared with the EPA, whose regional office for Arizona is in San Francisco. Local implementation also reduces travel and communication costs.

Health benefits accrue to the general public whenever enforcement of environmental laws takes place. Adverse health effects from air pollution result in a number of economic and social consequences. Hazardous air pollutants include numerous chemical compounds that could produce cancer and other significant health effects (e.g., respiratory diseases, birth defects, eye irritation, and adverse impacts to the nervous system). Although some chemical compounds are deregulated, NESHAPs were promulgated for several process operations with anticipated reductions in hazardous air emissions by facilities across the nation. Potentially, a reduction in hazardous air emissions could occur in Arizona.

High levels of occupational asbestos exposure are associated with three specific diseases: asbestosis, mesothelioma, and lung cancer. Both the International Agency for Research on Cancer (IARC) and EPA classify asbestos as known human

carcinogens. When asbestos fibers are inhaled into the lungs some may lodge in the lower respiratory tract, and causes asbestosis. Asbestosis is triggered by production of collagen that makes the lung tissue hard and fibrous. Mesothelioma is a disease that results in tumors in the lining of the chest, abdominal cavity or heart. According to the National Institute for Occupational Safety and Health, the number of deaths from asbestos in Arizona increased from 6 in 1990 to 21 in 1999. The increase in median age at death from asbestosis reflects lower occupational exposure in younger generations.

Examples of adverse health costs include the following:

1. **Medical Costs.** These include personal out-of-pocket expenses of the affected individual (or family), plus costs paid by insurance or Medicare, for example. Also included are reduced emergency room visits and hospital admissions.
2. **Work Loss.** This includes lost personal income, plus lost productivity whether the individual is compensated for the time or not. For example, some individuals may perceive no income loss because they receive sick pay, but sick pay is a cost of business and reflects lost productivity.
3. **Increased costs for chores and care giving.** These include special care giving and services that are not reflected in medical costs. These costs may occur because some health effects reduce the affected individual's ability to undertake some or all normal chores, and he or she may require extra care.
4. **Other social and economic costs.** These include restrictions on or reduced enjoyment of leisure activities, discomfort or inconvenience, pain and suffering, anxiety about the future, and concern and inconvenience to family members and others.

Vendors that distribute chemical wetting agents or surfactants in Maricopa County may also benefit from some increased sales of these products. This rule is expected to have no impact on private and public employment.

**Rule impact reduction on small businesses.** ARS § 41-1035 requires Maricopa County to reduce the impact of a rule on small businesses by using certain methods when they are legal and feasible in meeting the statutory objectives of the rulemaking.

The five listed methods are:

1. Establish less stringent compliance or reporting requirements in the final rule for small businesses.
2. Establish less stringent schedules or deadlines in the rule for compliance or reporting requirements for small businesses.
3. Consolidate or simplify the rule's compliance or reporting requirements for small businesses.
4. Establish performance standards for small businesses to replace design or operational standards in the rule.
5. Exempt small businesses from any or all requirements of the rule.

A small business is defined in ARS § 41-1001 as a "concern, including its affiliates, which is independently owned and operated, which is not dominant in its field and which employs fewer than one hundred full-time employees or which had gross annual receipts of less than four million dollars in its last fiscal year. For purposes of a specific rule, an agency may define small business to include more persons if it finds that such a definition is necessary to adapt the rule to the needs and problems of small businesses and organizations." Maricopa County solicits input from stakeholders (i.e., small businesses) regarding administrative costs associated with compliance with proposed rulemakings and any other information relevant to the economics, small business, and consumer impact statement.

**The administrative and other costs required for compliance with the proposed rulemaking.**

The administrative and other costs required for compliance with the proposed rulemaking include: \$425.00 notification fee for projects that extend beyond one year; the cost to photocopy inspection reports, laboratory results, and training certificates that must be maintained at asbestos work sites; the cost of \$4.00 to \$25.00 to obtain a color photo identification; and, the cost of \$26.00 to \$33.75 to obtain a five gallon pail of a chemical wetting agent/surfactant. Note that all of these costs may not apply to every small business engaged in asbestos demolition and renovation projects. Maricopa County only noted 6 projects in 2004 that extended beyond the one year expiration date. Also, it is expected that most asbestos workers and contractors/supervisors should have color photo identification. The requirement to photocopy documents should also be minimal. If a business does not have a photocopy machine, photocopies can typically be made for \$.10 to \$.20 per page. Finally, the cost to use the chemical wetting agent will vary depending on the size of the project involved.

**The statutory objectives which are the basis of the rulemaking.** The general statutory objectives that are the basis of this rulemaking are contained in the statutory authority cited in number 2 of this preamble. The specific objectives are as follows:

1. Implement rules necessary for EPA delegation of Clean Air Act § 111 (NSPS) program to Maricopa County.
2. Implement rules necessary for EPA § 112(1) program delegation to Maricopa County (NESHAP).
3. Implement rules necessary for acid rain program delegation to Maricopa County.

**A description of the methods that the agency may use to reduce the impact on small businesses.**

Maricopa County has determined that there is a beneficial impact on small businesses in transferring implementation of these rules to Maricopa County. In addition, Maricopa County is required to adopt the federal rules without reducing stringency. Maricopa County, therefore, has found that it is not legal or feasible to adopt any of the five listed methods in ways that reduce both the impact of these rules on small businesses. Finally, where federal rules impact small businesses, EPA is required by both the Regulatory Flexibility Act and the Small Business Regulatory Enforcement and Fairness Act to make certain adjustments in its own rulemakings. Information related to such may be found in the individual rules described in Section 5.

The most significant cost to small businesses will be the use of the chemical wetting agent/surfactant, although this cost may be offset by the decrease in the amount of water needed to keep the ACM adequately wet. Some provisions of the proposed rule changes should reduce the economic burden on small businesses. The proposal in Section 301.8(b)(2)(d) to remove the requirement to use a "6 mil poly bag" when disposing of RACM provides small businesses with more options for containers to use for RACM disposal. Finally, in Rule 370, Table I, Maricopa County proposes to remove chemicals from the federal HAP list.

The preliminary economic impact statement (EIS) was developed to estimate the impact of the proposed rule. This impact statement, comprised of potential costs and benefits, represents an estimate. Maricopa County solicits input from stakeholders that are small businesses and organizations on the administrative and other costs required for compliance with the proposed rulemaking, and any other information relevant to the economic, small business and consumer impact statement.

**Conclusions**

In conclusion, Maricopa County expects the costs associated with this rulemaking to be generally low, while the air quality benefits are expected to be generally high. Costs to Maricopa County are those that may accrue for implementation and enforcement of the standards as county law. Maricopa County may also expect some increased revenue for asbestos projects that exceed one year in duration. However, this revenue is expected to be used to compensate for extra time spent by inspectors at these longer asbestos projects. There are no adverse economic impacts on political subdivisions. The fact that no new employment is expected to occur has been discussed above.

There are benefits to industry from being regulated by a geographically nearer government entity. There are some economic impacts on private businesses (including small businesses), their revenues, or expenditures. There is minimal economic impact on asbestos workers and asbestos contractors/supervisors, some of whom may need to obtain photo identification cards if they do not already own such identification. There are expected to be no economic impacts for consumers, unless businesses pass any minimal increased costs on to consumers; benefits to private persons as members of the general public are discussed above in terms of health benefits. There are no other, less costly alternatives for achieving the goals of this rulemaking.

**10. The name and address of department personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Hilary R Hartline or Jo Crumbaker, Maricopa County Air Quality Dept.  
Address: 1001 North Central Avenue, Suite # 695, Phoenix, AZ 85004  
Telephone Number: 602-506-3476 or 602-506-6705  
Fax Number: 602-506-6179  
E-Mail Address: [hhartline@mail.maricopa.gov](mailto:hhartline@mail.maricopa.gov) or [jcrumbak@mail.maricopa.gov](mailto:jcrumbak@mail.maricopa.gov)

**11. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

Oral Proceeding Date: December 15, 2005  
Oral Proceeding Time: 9:00 AM  
Location: Maricopa County Air Quality Department  
5th Floor Conference Room #560  
1001 North Central Avenue, Phoenix, Arizona, 85004

Nature: Public hearing with the opportunity for formal comments on the record regarding the proposed rules. All formal comments will be addressed in the Notice of Final Rulemaking. Call (602) 506-0169 for current information. Please call (602) 506-3476 for special accommodations under the Americans with Disabilities Act.

Written comments will be accepted if received between the date of this publication and December 16, 2005, 5:00 PM. Written comments may be mailed or hand delivered to the Maricopa County Air Quality Department (see # 4 above). Written comments received during the comment period will be considered formal comments to the proposed rule and will be responded to in the Notice of Final Rulemaking.

**12. Any other matters prescribed by statute that are applicable to the specific department or to any specific rule or class of rules:**

Not applicable.

**13. Incorporations by reference and their location in the rules:**

**Rule 317:** 40 CFR 60, Subpart Ec, Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996 is incorporated by reference as of July 1, 2004.

40 CFR Part 60, Appendix A and Appendix B, are incorporated by reference as of July 1, 2004.

40 CFR Part 70, is incorporated by reference as of July 1, 2004.

**Rule 321:** 40 CFR 60, Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills, is incorporated by reference as of July 1, 2004.

**Rule 360:** Updates to the federal NSPS regulations at 40 CFR 60 are incorporated by reference as of July 1, 2004.

**Rule 370:** Updates to the federal NESHAP regulations at 40 CFR 61 and 40 CFR 63 are incorporated by reference as of July 1, 2004.

Updates to the federal list of Hazardous Air Pollutants are incorporated as of November 29, 2004.

**Rule 371:** Updates to the federal Acid Rain regulations at 40 CFR 72, 74, 75, and 76 are incorporated as of July 1, 2004.

**14. The full text of the rule follows:**

**REGULATION III - CONTROL OF AIR CONTAMINANTS**

**RULE 317**

**HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS**

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Adopted 04/07/93

Revised 04/07/99

Revised 11/19/03

**MARICOPA COUNTY**  
**AIR POLLUTION CONTROL REGULATIONS**

**REGULATION III - CONTROL OF AIR CONTAMINANTS**

**RULE 317**

**HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS**

**SECTION 100 - GENERAL**

- 101**     **PURPOSE:** To control emissions of air pollutants from Hospital/Medical/Infectious Waste incinerators.
- 102**     **APPLICABILITY:** A Hospital/Medical/Infectious Waste Incinerator (HMIWI) commenced on or before June 20, 1996, or for which construction commenced on or before June 20, 1996, shall comply with this rule unless it fits any one of the following exceptions:
- 102.1**    A combustor is not subject to this rule when only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste is burned, provided the owner or operator of the combustor:
- a.**    Notifies the Control Officer of an exemption claim; and
  - b.**    Keeps records on a calendar quarter basis of the periods of time when only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste is burned.
- 102.2**    Any co-fired combustor is not subject to this rule if the owner or operator of the co-fired combustor:
- a.**    Notifies the Control Officer of an exemption claim;
  - b.**    Provides an estimate of the relative weight of hospital waste, medical/infectious waste, and other fuels and/or wastes to be combusted; and
  - c.**    Keeps records on a calendar quarter basis of the weight of hospital waste and medical/infectious waste combusted, and the weight of all other fuels and wastes combusted at the co-fired combustor.
- 102.3**    Any combustor required to have a permit under Title 42, United States Code Section 6925, Section 3005 of the Solid Waste Disposal Act is not subject to this rule.
- 102.4**    Any combustor which meets the applicability requirements under 40 C.F.R. 60, Subparts Cb, Ea, or Eb (standards or guidelines for certain municipal waste combustors) is not subject to this rule.
- 102.5**    Any pyrolysis unit is not subject to this rule.
- 102.6**    Cement kilns firing hospital waste or medical/infectious waste are not subject to this rule.
- 102.7**    Physical or operational changes made to an existing HMIWI unit solely for the purpose of complying with emission guidelines under this rule are not considered a modification and do not result in an existing HMIWI unit becoming subject to the provisions of 40 C.F.R. 60, Subpart Ec.
- 103**     **AVAILABILITY OF INFORMATION:** Copies of 40 C.F.R. 60, Subpart Ec are available at 1001 N. Central Avenue, Suite 695, Phoenix, Arizona, 85004, or call (602) 506-6010 for information.

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**SECTION 200 - DEFINITIONS:** For the purpose of this rule, the following definitions shall apply:

- 201 BATCH HMIWI** - An HMIWI that is designed such that neither waste charging nor ash removal can occur during combustion.
- 202 BIOLOGICALS** - Preparations made from living organisms and their products. This includes vaccines, cultures, etc., intended for use in diagnosing, immunizing, or treating humans or animals or in research pertaining thereto.
- 203 BLOOD PRODUCTS** - Any product derived from human blood, including, but not limited to, blood plasma, platelets, red or white blood corpuscles, and other derived licensed products, such as interferon, etc.
- 204 BODY FLUIDS** - Liquid emanating or derived from humans and limited to blood; dialysate; amniotic, cerebrospinal, synovial, pleural, peritoneal and pericardial fluids; and semen and vaginal secretions.
- 205 BYPASS STACK** - A device used for discharging combustion gases to avoid severe damage to the air pollution control device or other equipment.
- 206 CHEMOTHERAPEUTIC WASTE** - Waste material resulting from the production or use of antineoplastic agents used for the purpose of stopping or reversing the growth of malignant cells.
- 207 CO-FIRED COMBUSTOR** - A unit combusting hospital waste and/or medical/infectious waste with other fuels or wastes (e.g., coal, municipal solid waste) and subject to an enforceable requirement limiting the unit to combusting a fuel feed stream, 10 percent or less of the weight of which is comprised, in aggregate, of hospital waste and medical/infectious waste as measured on a calendar quarter basis. For purposes of this definition, pathological waste, chemotherapeutic waste, and low-level radioactive waste are considered "other" wastes when calculating the percentage of hospital waste and medical/infectious waste combusted.
- 208 CONTINUOUS HMIWI** - An HMIWI that is designed to allow waste charging and ash removal during combustion.
- 209 CREMATORY** - An incinerator used for the cremation of human and animal bodies, their body parts, and for the incineration of associated animal bedding.
- 210 DIOXINS/FURANS** - The combined emissions of tetra-through octa-chlorinated dibenzo-para-dioxins and dibenzofurans, as measured by EPA Reference Method 23, found in 40 C.F.R. Part 60, Appendix A, and incorporated by reference per Section 301 of this rule.
- 211 HOSPITAL** - Any facility which has an organized medical staff, maintains at least six inpatient beds, and where the primary function of the institution is to provide diagnostic and therapeutic patient services and continuous nursing care primarily to human inpatients who are not related and who stay on average in excess of 24 hours per admission. This definition does not include facilities maintained for the sole purpose of providing nursing or convalescent care to human patients who generally are not acutely ill but who require continuing medical supervision.
- 212 HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATOR OR HMIWI OR HMIWI UNIT** - Any device that combusts any amount of hospital waste or medical/infectious waste.
- 213 HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATOR OPERATOR OR HMIWI OPERATOR** - Any person who operates, controls or supervises the day-to-day operation of an HMIWI.
- 214 HOSPITAL WASTE** - Discards generated at a hospital, except unused items returned to the manufacturer. The definition of hospital waste does not include human corpses, remains, and anatomical parts that are intended for interment or cremation.
- 215 INFECTIOUS AGENT** - Any organism (such as a virus or bacteria) that is capable of being communicated by invasion and multiplication in body tissues and capable of causing disease or adverse health impacts in humans.

- 216 INTERMITTENT HMIWI** - An HMIWI that is designed to allow waste charging, but not ash removal, during combustion.
- 217 LARGE HMIWI:**
- 217.1** Except as provided in 217.2:
- a.** An HMIWI whose maximum design waste burning capacity is more than 500 pounds per hour; or
  - b.** A continuous or intermittent HMIWI whose maximum charge rate is more than 500 pounds per hour; or
  - c.** A batch HMIWI whose maximum charge rate is more than 4,000 pounds per day.
- 217.2** Each of the following is not a large HMIWI:
- a.** A continuous or intermittent HMIWI whose maximum charge rate is less than or equal to 500 pounds per hour; or
  - b.** A batch HMIWI whose maximum charge rate is less than or equal to 4,000 pounds per day.
- 218 LOW-LEVEL RADIOACTIVE WASTE** - Waste material which contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities that exceed applicable federal or state standards for unrestricted release. Low-level radioactive waste is not high-level radioactive waste, spent nuclear fuel, or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)(2)).
- 219 MAXIMUM CHARGE RATE:**
- a.** For continuous and intermittent HMIWI, 110 percent of the lowest 3-hour average charge rate measured during the most recent performance test demonstrating compliance with all applicable emission limits.
  - b.** For batch HMIWI, 110 percent of the lowest daily charge rate measured during the most recent performance test demonstrating compliance with all applicable emission limits.
- 220 MAXIMUM DESIGN WASTE BURNING CAPACITY:**
- a.** For intermittent and continuous HMIWI,  $C = P_V \times 15,000/8,500$   
Where:  
C = HMIWI capacity, lb/hr  
 $P_V$  = primary chamber volume, ft<sup>3</sup>  
15,000 = primary chamber heat release rate factor, Btu/ft<sup>3</sup> /hr  
8,500 = standard waste heating value, Btu/lb.
  - b.** For batch HMIWI,  $C = P_V \times 4.5/8$   
Where:  
C = HMIWI capacity, lb/hr  
 $P_V$  = primary chamber volume, ft<sup>3</sup>  
4.5 = waste density, lb/ ft<sup>3</sup>  
8 = typical hours of operation of a batch HMIWI.
- 221 MEDICAL/INFECTIOUS WASTE** - Any waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals that is listed in ~~subsections~~ Sections 221.1 through 221.7 of this rule. The definition of medical/infectious waste does not include hazardous waste identified or listed under the regulations in 40 C.F.R. Part 261; household waste, as defined in 40 C.F.R. 261.4(b)(1); ash from incineration of medical/infectious waste, once the

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incineration process has been completed; human corpses, remains, and anatomical parts that are intended for interment; cremation; and domestic sewage materials identified in 40 C.F.R. 261.4(a)(1). Medical/infectious waste does include:

- 221.1** Cultures and stocks of infectious agents and associated biologicals, including: cultures from medical and pathological laboratories; cultures and stocks of infectious agents from research and industrial laboratories; wastes from the production of biologicals; discarded live and attenuated vaccines; and culture dishes and devices used to transfer, inoculate, and mix cultures.
- 221.2** Human pathological waste, including tissues, organs, and body parts and body fluids that are removed during surgery or autopsy, or other medical procedures, and specimens of body fluids and their containers.
- 221.3** Human blood and blood products including:
  - a.** Liquid waste human blood;
  - b.** Products of blood;
  - c.** Items saturated and/or dripping with human blood; or
  - d.** Items that were saturated and/or dripping with human blood that are now caked with dried human blood; including serum, plasma, and other blood components, and their containers, which were used or intended for use in either patient care, testing and laboratory analysis or the development of pharmaceuticals. Intravenous bags are also included in this category.
- 221.4** Sharps that have been used in animal or human patient care or treatment or in medical, research, or industrial laboratories, including hypodermic needles, syringes (with or without the attached needle), pasteur pipettes, scalpel blades, blood vials, needles with attached tubing, and culture dishes (regardless of presence of infectious agents). Also included are other types of broken or unbroken glassware that were in contact with infectious agents, such as used slides and cover slips.
- 221.5** Animal waste including contaminated animal carcasses, body parts, and bedding of animals that were known to have been exposed to infectious agents during research (including research in veterinary hospitals), production of biologicals or testing of pharmaceuticals.
- 221.6** Isolation wastes including biological waste and discarded materials contaminated with blood, excretions, exudates, or secretions from humans who are isolated to protect others from certain highly communicable diseases, or isolated animals known to be infected with highly communicable diseases.
- 221.7** Unused sharps including the following unused, discarded sharps: hypodermic needles, suture needles, syringes, and scalpel blades.

**222 MEDIUM HMIWI:**

- 222.1** Except as provided in ~~subsection~~ Section 222.2:
  - a.** An HMIWI whose maximum design waste burning capacity is more than 200 pounds per hour but less than or equal to 500 pounds per hour; or
  - b.** A continuous or intermittent HMIWI whose maximum charge rate is more than 200 pounds per hour but less than or equal to 500 pounds per hour; or
  - c.** A batch HMIWI whose maximum charge rate is more than 1,600 pounds per day but less than or equal to 4,000 pounds per day.
- 222.2** The following are not medium HMIWI:
  - a.** A continuous or intermittent HMIWI whose maximum charge rate is less than or equal to 200 pounds per hour or more than 500 pounds per hour; or

- b. A batch HMIWI whose maximum charge rate is more than 4,000 pounds per day or less than or equal to 1,600 pounds per day.

**223 PATHOLOGICAL WASTE** - Waste material consisting of only human or animal remains, anatomical parts, and/or tissue, the bags/containers used to collect and transport the waste material, and animal bedding (if applicable).

**224 PYROLYSIS** - The endothermic gasification of hospital waste or medical/infectious waste using external energy.

**225 SHUTDOWN** - The period of time after all waste has been combusted in the primary chamber. For continuous HMIWI, shutdown shall commence no less than 2 hours after the last charge to the incinerator. For intermittent HMIWI, shutdown shall commence no less than 4 hours after the last charge to the incinerator. For batch HMIWI, shutdown shall commence no less than 5 hours after the high-air phase of combustion has been completed.

**226 SMALL HMIWI:**

**226.1** Except as provided in ~~subsection~~ Section 226.2:

- a. An HMIWI whose maximum design waste burning capacity is less than or equal to 200 pounds per hour; or
- b. A continuous or intermittent HMIWI whose maximum charge rate is less than or equal to 200 pounds per hour; or
- c. A batch HMIWI whose maximum charge rate is less than or equal to 1,600 pounds per day.

**226.2** The following are not small HMIWI:

- a. A continuous or intermittent HMIWI whose maximum charge rate is more than 200 pounds per hour; or
- b. A batch HMIWI whose maximum charge rate is more than 1,600 pounds per day.

**SECTION 300 - STANDARDS**

**301 HMIWI STANDARDS:** An existing HMIWI covered by this Section shall comply with 40 C.F.R. 60, ~~subpart~~ Subpart Ec, as modified by this subsection. 40 C.F.R. 60, Subpart Ec “Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996” is incorporated by reference in Rule 360 of the Maricopa County Air Pollution Control Regulations.

**302 HMIWI EMISSIONS GUIDELINES:** An HMIWI shall comply with the emissions guidelines in Table 1 listed below:

**Table 1  
Emission Limits for Small, Medium, and Large HMIWI**

Pollutant	Units (7% oxygen, dry basis)	Emission Limits		
		HMIWI size		
		Small	Medium	Large
Cadmium	Milligrams per dry standard cubic meter	0.16 (0.07)	0.16 (0.07)	0.16 (0.07)
	(grains per thousand dry standard cubic feet) or percent reduction	or 65%	or 65%	or 65%
Carbon monoxide	Parts per million by volume	40	40	40

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Dioxins/furans	Nanograms per dry standard cubic meter total dioxins/furans (grains per billion dry standard cubic feet) or nanograms per dry standard cubic meter TEQ (grains per billion dry standard cubic feet)	125 (55) or 2.3 (1.0)	125 (55) or 2.3 (1.0)	125 (55) or 2.3 (1.0)
Hydrogen chloride	Parts per million by volume or percent reduction	100 or 93%	100 or 93%	100 or 93%
Lead	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet) or percent reduction	1.2 (0.52) or 70%	1.2 (0.52) or 70%	1.2 (0.52) or 70%
Mercury	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet) or percent reduction	0.55 (0.24) or 85%	0.55 (0.24) or 85%	0.55 (0.24) or 85%
Nitrogen oxides	Parts per million by volume	250	250	250
Particulate matter	Milligrams per dry standard cubic meter (grains per dry standard cubic foot)	115 (0.05)	69 (0.03)	34 (0.015)
Sulfur dioxide	Parts per million by volume	55	55	55

- 303 OPACITY:** No owner or operator of an HMIWI shall cause to be discharged into the atmosphere from the stack of that HMIWI any gases that exhibit greater than 10 percent opacity (6-minute block average) or darker than 20 percent opacity for an aggregate of more than 30 seconds in any consecutive 60 minutes.
- 304 LARGE HMIWI OPACITY:** A large HMIWI shall comply with the opacity requirements as specified in 40 C.F.R. 60, Section 60.52c (c),(d), and (e).
- 305 NIGHT BURNING:** No person shall operate a medical waste incinerator between sunset and the following sunrise unless a continuous opacity (particulate) recorder is operating at all times when there is any combustion within the incinerator. Such recorder shall be in compliance with ~~subsection~~ Section 501.1 of this rule.
- 306 INCORPORATION BY REFERENCE:** All C.F.R. references as of July 1, ~~2002~~ 2004 that are listed below and in various sections of this rule are adopted by reference. These adoptions by reference include no future editions or amendments. Copies of these C.F.R. references are available at Maricopa County ~~Environmental Services~~ Air Quality Department, 1001 N. Central Ave., Suite ~~204~~ 695, Phoenix, AZ, 85004-1942, ~~602-506-6010~~.

- 40 C.F.R. Part 60, Subpart ~~EC~~ Ec
- 40 C.F.R. Part 60, Section 60.52c(c), (d), and (e)
- 40 C.F.R. Part 60, Section ~~60.56(e)~~ 60.56c
- 40 C.F.R. Part 60, Section 60.57c
- 40 C.F.R. Part 60, Section 60.58c(b), ~~(c)~~, (d), (e), and (f)
- 40 C.F.R. Part 60, Appendix A and Appendix B
- 40 C.F.R. Part 70

- 307 EXEMPTIONS:** HMIWI subject to this Section are not subject to Rule 313.
- 307.1** Any co-fired combustor or combustor that is not subject to this rule is still subject to Rule 313. (See Applicability, ~~subsections~~ Sections 102.2, 102.3 and 102.4 of this Rule 317.)
- 307.2** A crematory whose incinerator burns only human remains is not a HMIWI and is not subject to this rule. It is subject to Rule 313. However, if the incinerator burns 10 percent or less of hospital waste and medical/infectious waste, it is a co-fired combustor subject only to notification and recordkeeping requirements, as specified in ~~subsection~~ Section 102.2 of this rule. If the incinerator burns more than 10 percent hospital waste and medical/infectious waste, it is subject to all of the requirements of this rule.

#### **SECTION 400 - ADMINISTRATIVE REQUIREMENTS**

- 401 COMPLIANCE SCHEDULE:** Beginning either September 15, 2000, or on the effective date of an EPA approved operating permit program under Clean Air Act Title V and the implementing regulations under 40 C.F.R. Part 70 in Arizona, whichever date is later, designated facilities subject to this rule shall operate pursuant to a permit issued under the EPA-approved operating permit program.

#### **SECTION 500 - MONITORING AND RECORDS**

- 501 PROVIDING AND MAINTAINING MONITORING DEVICES:** Except as provided in Section 502, all requirements for compliance and performance testing listed in 40 C.F.R. 60.56c shall be required of each HMIWI, excluding the fugitive emissions testing requirements under Sections 60.56c(b)(12) and (c)(3).
- 501.1** Any person subject to Section 304 of this rule shall operate and maintain all of the following continuous data recording systems. All required systems shall be completely and properly operating during all periods of combustion within the incinerator, and each shall include a real-time recording device that creates a clear, legible record at all times of operation.
- 501.2** Opacity of stack emissions or other indicator of particulate matter which is approved by the Control Officer. Pursuant to Section 305 of this rule, any incinerator burning after sunset must be equipped with a continuously recording opacity monitor, regardless of capacity. The opacity monitor shall be located after (downstream of) all control equipment, prior to the stack exit, and prior to any dilution with ambient air. The opacity monitor shall at all times comply with EPA Performance Specification 1 (40 C.F.R., Part 60, Appendix B) and shall be calibrated no less than once each day.
- 502 RECORDKEEPING AND REPORTING:** Each HMIWI shall comply with the requirements listed in 40 C.F.R. 60.58c(b), (c), (d), (e), and (f), excluding 40 C.F.R. 60.58c(b)(2)(ii) (fugitive emissions) and (b)(7) (siting).
- 503 HMIWI MONITORING REQUIREMENTS:** An existing HMIWI shall comply with the monitoring requirements of Section 60.57c of Subpart Ec.

**REGULATION III - CONTROL OF AIR CONTAMINANTS**

**RULE 321**  
**MUNICIPAL SOLID WASTE LANDFILLS**

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**Adopted 05/14/97**  
**Revised 03/01/00**  
**Revised 03/07/01**  
**Revised 11/19/03**

**MARICOPA COUNTY**  
**AIR POLLUTION CONTROL REGULATIONS**

**REGULATION III - CONTROL OF AIR CONTAMINANTS**

**RULE 321**  
**MUNICIPAL SOLID WASTE LANDFILLS**

**SECTION 100 - GENERAL**

- 101 PURPOSE:** To limit the emission of nonmethane organic compounds from municipal solid waste landfills.
- 102 APPLICABILITY:** The provisions of this rule shall apply to each municipal solid waste landfill for which construction, reconstruction, or modification commenced prior to May 30, 1991, and which has accepted waste at any time since November 8, 1987, or has additional design capacity available for future waste deposition.
- 103 AVAILABILITY OF INFORMATION:** Copies of 40 C.F.R. 60, Subpart WWW are available at 1001 N. Central Avenue, Suite 695, Phoenix, Arizona, 85004, or call (602) ~~506-6700~~ 506-6010 for information.

**SECTION 200 - DEFINITIONS:** For the purpose of this rule, the following definitions shall apply:

- 201 ADMINISTRATOR** - The Control Officer, except that the Control Officer shall not be empowered to approve alternative or equivalent test methods.
- 202 AFFECTED FACILITY** - Any municipal solid waste landfill to which this rule is applicable.
- 203 COMMENCED** - State or condition where an owner or operator has undertaken a continuous program of construction; or where an owner or operator has entered into a contractual obligation to undertake and complete such a program.
- 204 CONSTRUCTION** - The fabrication, erection, or installation of an affected facility.
- 205 MODIFICATION** - Any physical change in, or change in the method of operation of, an affected facility which would result in a change in actual emissions.
- 206 MUNICIPAL SOLID WASTE LANDFILL (MSW LANDFILL)** - An entire, publicly or privately owned, disposal facility in a contiguous geographical space where household waste is placed in or on land. Portions of a MSW landfill may be separated by access roads.
- 207 NMOC** - Nonmethane organic compound.
- 208 OWNER OR OPERATOR** - Any person who owns, leases, operates, controls, or supervises an affected facility.

**SECTION 300 - STANDARDS**

- 301 STANDARDS OF PERFORMANCE FOR MSW LANDFILLS:** The federal standards of performance for municipal solid waste landfills set forth in 40 C.F.R. 60, Subpart WWW adopted as of July 1, ~~2002~~ 2004, and all accompanying appendices, excluding 40 C.F.R. 60.750, are adopted and incorporated herein by

reference with the amendments and revisions set forth in this section. This adoption by reference includes no future editions or revisions. Each owner or operator of an affected facility shall comply with the requirements of 40 C.F.R. 60, Subpart WWW as adopted and, where applicable, revised herein.

- 301.1 Collection and Control System Design Plan:** 40 C.F.R. 60.752(b)(2)(i) is amended to read: “Submit a collection and control design plan prepared by a professional engineer to the Administrator for approval not later than 12 months after submittal of the initial NMOC emission rate report.”
- 301.2 Design Capacity Report:** 40 C.F.R. 60.757(a) is amended to read “Each owner or operator of an affected facility shall submit an initial design capacity report to the Administrator within 90 days from the effective date of this rule.” 40 C.F.R. 60.757(a)(1) is deleted.
- 301.3 NMOC Emission Rate Report:** 40 C.F.R. 60.757(b) is amended to read “Each owner or operator of an affected facility shall submit an NMOC emission rate report to the Administrator initially and annually thereafter, except as provided for in paragraphs (b)(1)(ii) or (b)(3) of this section. The Administrator may request such additional information as may be necessary to verify the reported NMOC emission rate.” 40 C.F.R. 60.757(b)(1)(i) is amended to read: “The initial NMOC emission rate report shall be submitted within 90 days from the effective date of this rule and may be combined with the initial design capacity report required in paragraph (a) of this section. Subsequent NMOC emission rate reports shall be submitted annually thereafter, except as provided for in paragraphs (b)(1)(ii) and (b)(3) of this section.”

- 302 DELAYED APPLICABILITY:** For an affected facility that first becomes subject to the collection and control system requirement of 40 C.F.R. 60.752 after the effective date of this rule, the design plan shall be due not later than 12 months after submittal or scheduled submittal of an NMOC emission rate report of 50 megagrams (55.12 tons) or more.

### REGULATION III - CONTROL OF AIR CONTAMINANTS

#### RULE 360

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Revised 07/13/88

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Revised 05/14/97

Revised 08/19/98

Revised 04/07/99

Revised 03/01/00

Revised 03/07/01

Revised 11/19/03

**MARICOPA COUNTY**

**AIR POLLUTION CONTROL REGULATIONS**

**REGULATION III - CONTROL OF AIR CONTAMINANTS**

**RULE 360**

**NEW SOURCE PERFORMANCE STANDARDS**

**SECTION 100 - GENERAL**

- 101 PURPOSE:** To establish acceptable design and performance criteria for specified new or modified emission sources.
- 102 APPLICABILITY:** The provisions of this rule apply to the owner or operator of any stationary source which contains an affected facility on which the construction, reconstruction, or a modification is commenced after the date of publication of any standard applicable to such facility in the 40 C.F.R. 60. Any such stationary source must also comply with other Maricopa County Air Pollution Control Regulations.
- 103 AVAILABILITY OF INFORMATION:** Copies of all 40 C.F.R., Part 60 revisions currently enforced by Maricopa County are available at 1001 N. Central Avenue, Suite 695, Phoenix, Arizona, 85004, or call (602) ~~506-6700~~ 506-6010 for information.
- 104 FEDERAL DELEGATION AUTHORITY:** Maricopa County shall enforce the following enumerated Federal Regulations (Part 60, Title 40 of the Code of Federal Regulations) which have heretofore been delegated to the County by the United States Environmental Protection Agency (EPA) for such enforcement. Maricopa County may in addition enforce such other Federal Regulations (Part 60, Title 40 of the Code of Federal Regulations) delegated to the County for such enforcement from time to time by EPA and which will be enumerated in any revision hereof.

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County Notices Pursuant to A.R.S. § 49-112

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**SECTION 200 - DEFINITIONS:** For the purpose of this rule, the following definitions shall apply:

- 201 ADMINISTRATOR** - As used in Part 60, Title 40, Code of Federal Regulations, shall mean the Control Officer, except that the Control Officer shall not be empowered to approve alternate or equivalent test methods or alternative standards/work practices, or other nondelegable authorities such as those listed in 40 CFR 60.4(d), except as specifically provided in each subpart.
- 202 AFFECTED FACILITY** - With reference to a stationary source, any apparatus to which a standard is applicable.
- 203 COMMENCED** - With respect to the definition of "new source" in Section 111(a)(2) of the Act, that an owner or operator has undertaken a continuous program of construction, reconstruction, or modification or that an owner or operator has entered into a contracted obligation to undertake and complete, within a reasonable time, a continuous program of construction, reconstruction or modification.
- 204 CONSTRUCTION** - The fabrication, erection, or installation of an affected facility.
- 205 MODIFICATION** - Any physical change in, or change in the method of operation of, an existing facility which increases the amount of any contaminant (to which a standard applies) emitted into the atmosphere by that facility or which results in the emission of any air contaminant (to which a standard applies) into the atmosphere not previously emitted.
- 206 OWNER OR OPERATOR** - Any person who owns, leases, operates, controls, or supervises an affected facility or a stationary source of which an affected facility is a part.
- 207 STANDARD** - A standard of performance promulgated under this rule.
- 208 STATIONARY SOURCE** - Any building, structure, facility, or installation which emits or may emit any air pollutant.

**SECTION 300 - STANDARDS**

- 301 ADOPTED FEDERAL STANDARDS:** The federal standards of performance for those subparts of 40 C.F.R. 60 adopted as of July 1, ~~2002~~ 2004, as listed below, and all accompanying appendices are adopted by reference as indicated. This adoption by reference includes no future editions or amendments. Incorporation by reference does not include nondelegable functions of the EPA Administrator.
- 301.1 SUBPART A - General Provisions;** exclude ~~60.4, 60.5, and 60.6,~~ and any sections dealing with equivalency determinations or innovative technology waivers, as covered in Sections 111(h)(3) and 111(j) respectively of the Clean Air Act
- 301.2 SUBPART D - Standards of Performance for ~~Fossil-Fuel-Fired~~ Fossil-Fuel-Fired Steam Generators for Which Construction Is Commenced After August 17, 1971**
- 301.3 SUBPART Da - Standards of Performance for Electric Utility Steam Generating Units for Which Construction Is Commenced After September 18, 1978;** exclude ~~60.45a~~
- 301.4 SUBPART Db - Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units;** exclude ~~60.44b(f), 60.44b(g), and 60.49b(a)(4)~~
- 301.5 SUBPART Dc - Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units**
- 301.6 SUBPART E - Standards of Performance for Incinerators**
- 301.7 SUBPART Ea - Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and on or Before September 20, 1994**

- 301.8 SUBPART Eb - Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996
- 301.9 SUBPART Ec - Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996
- 301.10 SUBPART F - Standards of Performance for Portland Cement Plants
- 301.11 SUBPART G - Standards of Performance for Nitric Acid Plants
- 301.12 SUBPART H - Standards of Performance for Sulfuric Acid Plants
- 301.13 SUBPART I - Standards of Performance for ~~Asphaltic Concrete Plants~~ Hot Mix Asphalt Facilities
- 301.14 SUBPART J - Standards of Performance for Petroleum Refineries
- 301.15 SUBPART K - Standards of Performance for Storage Vessels ~~of for~~ Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978
- 301.16 SUBPART Ka - Standards of Performance for Storage Vessels ~~of for~~ Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984
- 301.17 SUBPART Kb - Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984 ~~(Including Petroleum Liquid Storage Vessels);~~ exclude 60.111b(f) (4), 60.114b, 60.116b(e) (3)(iii), 60.116b(e) (3)(iv), and 60.116b(f) (2)(iii)
- 301.18 SUBPART L - Standards of Performance for Secondary Lead Smelters
- 301.19 SUBPART M - Standards of Performance for Secondary Brass and Bronze Production Plants
- 301.20 SUBPART N - Standards of Performance for ~~Iron and Steel Plants~~; Primary Emissions from Basic Oxygen Process Furnaces for Which Construction Commenced After June 11, 1973
- 301.21 SUBPART Na - Standards of Performance for ~~Iron and Steel Plants~~; Secondary Emissions from Basic Oxygen Process ~~Furnaces~~ Steelmaking Facilities for Which Construction Commenced After January 20, 1983
- 301.22 SUBPART O - Standards of Performance for Sewage Treatment Plants; ~~exclude 60.153(e)~~
- 301.23 SUBPART P - Standards of Performance for Primary Copper Smelters
- 301.24 SUBPART Q - Standards of Performance for Primary Zinc Smelters
- 301.25 SUBPART R - Standards of Performance for Primary Lead Smelters
- 301.26 SUBPART S - Standards of Performance for Primary Aluminum Reduction Plants; ~~exclude 60.195(b)~~
- 301.27 SUBPART T - Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants
- 301.28 SUBPART U - Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants
- 301.29 SUBPART V - Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants
- 301.30 SUBPART W - Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants

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- 301.31 SUBPART X - Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities
- 301.32 SUBPART Y - Standards of Performance for Coal Preparation Plants
- 301.33 SUBPART Z - Standards of Performance for ~~Ferro-Alloy~~ Ferroalloy Production Facilities
- 301.34 SUBPART AA - Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983
- 301.35 SUBPART AAa - Standards of Performance for Steel Plants: Electric Arc Furnaces and ~~Argon-Oxygen~~ Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983
- 301.36 SUBPART BB - Standards of Performance for Kraft Pulp Mills
- 301.37 SUBPART CC - Standards of Performance for Glass Manufacturing Plants
- 301.38 SUBPART DD - Standards of Performance for Grain Elevators
- 301.39 SUBPART EE - Standards of Performance for Surface Coating of Metal Furniture
- 301.40 SUBPART GG - ~~Standard~~ Standards of Performance for Stationary Gas Turbines; ~~exclude 60.332(a)(3) and 60.335(a)(ii)~~
- 301.41 SUBPART HH - Standards of Performance for Lime Manufacturing Plants
- 301.42 SUBPART KK - Standards of Performance for Lead-Acid Battery Manufacturing Plants
- 301.43 SUBPART LL - Standards of Performance for Metallic Mineral Processing Plants
- 301.44 SUBPART MM - Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations
- 301.45 SUBPART NN - Standards of Performance for Phosphate Rock Plants
- 301.46 SUBPART PP - Standards of Performance for Ammonium Sulfate Manufacture
- 301.47 SUBPART QQ - Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing
- 301.48 SUBPART RR - Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations
- 301.49 SUBPART SS - Standards of Performance for Industrial Surface Coating: Large Appliances
- 301.50 SUBPART TT - Standards of Performance for Metal Coil Surface Coating
- 301.51 SUBPART UU - Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture
- 301.52 SUBPART VV - Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry; ~~exclude 60.482-1(e)(2) and 60.484~~
- 301.53 SUBPART WW - Standards of Performance for the Beverage Can Surface Coating Industry; ~~exclude 60.495(a)(i) and 60.493(b)(2)(i)(A)~~
- 301.54 SUBPART XX - Standards of Performance for Bulk Gasoline Terminals
- 301.55 SUBPART AAA - Standards of Performance for New Residential Wood Heaters; ~~exclude 60.533, 60.534, 60.535, 60.536(i)(2), 60.537, 60.538(e) and 60.539~~
- 301.56 SUBPART BBB - Standards of Performance for the Rubber Tire Manufacturing ~~Plants~~ Industry; ~~exclude 60.543(e)(2)(ii)(B)~~
- 301.57 SUBPART DDD - Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry; ~~exclude 60.562-2(e)~~
- 301.58 SUBPART FFF - Standards of Performance for Flexible Vinyl and Urethane Coating and Printing

- 301.59 SUBPART GGG - Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries; ~~exclude 60.592(e)~~
- 301.60 SUBPART HHH - Standards of Performance for Synthetic Fiber Production Facilities
- 301.61 SUBPART III - Standards of Performance for Volatile Organic Compound (VOC) Emissions ~~from~~ From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes; ~~exclude 60.613(e)~~
- 301.62 SUBPART JJJ - Standards of Performance for Petroleum Dry Cleaners; ~~exclude 60.623~~
- 301.63 SUBPART KKK - Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants
- 301.64 SUBPART LLL - Standards of Performance for Onshore Natural Gas Processing: SO<sub>2</sub> Emissions
- 301.65 SUBPART NNN - Standards of Performance for Volatile Organic Compound (VOC) Emissions ~~from the~~ From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations; ~~exclude 60.663(e)~~
- 301.66 SUBPART OOO - Standards of Performance for ~~Non-Metallic~~ Nonmetallic Mineral Processing Plants
- 301.67 SUBPART PPP - ~~Standards~~ Standard of Performance for Wool Fiberglass Insulation Manufacturing Plants
- 301.68 SUBPART QQQ - Standards of Performance for VOC Emissions From Petroleum Refinery Wastewater Systems; ~~exclude 60.694~~
- 301.69 SUBPART RRR - Standards of Performance for Volatile Organic Compound (VOC) Emissions ~~from~~ From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes; ~~exclude 60.703(e)~~
- 301.70 SUBPART SSS - Standards of Performance for Magnetic Tape Coating Facilities; ~~exclude 60.711(a)(16), 60.713(b)(1)(i), 60.713(b)(1)(ii), 60.713(b)(5)(i), 60.713(d), 60.715(a), and 60.716~~
- 301.71 SUBPART TTT - Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines; ~~exclude 60.723(b)(1), 60.723(b)(2)(i)(C), 60.723(b)(2)(iv), 60.724(e), 60.725(b)~~
- 301.72 SUBPART UUU - Standards of Performance for Calciners And Dryers In Mineral Industries
- 301.73 SUBPART VVV - Standards of Performance for Polymeric Coating of Supporting Substrates Facilities; ~~exclude 60.743(a)(3)(v)(A) and (B), 60.743(e), 60.745(a), and 60.746~~
- 301.74 SUBPART WWW - Standards of Performance for Municipal Solid Waste Landfills
- 301.75 SUBPART AAAA - Standards of Performance for Small Municipal Waste Combustion Units for Which Construction is Commenced after August 30, 1999, or for Which Modification or Reconstruction Is Commenced after June 6, 2001
- ~~301.76~~ SUBPART BBBB - ~~Standards of Performance for New Small Municipal Waste Combustion Units~~
- ~~301.77~~ 301.76 SUBPART CCCC - Standards of Performance for Commercial and Industrial Solid Waste ~~Incinerators~~ Incineration Units for Which Construction is Commenced after November 30, 1999, or for Which ~~Modification~~ Modification or Reconstruction ~~is~~ Is Commenced on or after June 1, 2001

~~301.78      **SUBPART DDDD—Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units**~~

**SECTION 302 - ADDITIONAL REQUIREMENTS**

**302.1**      From the general standards identified in Section 301 of this rule, delete 40 CFR 60.4, 60.5, and 60.6. All requests, reports, applications, submittals, and other communications to the Control Officer pursuant to this Rule shall be submitted to the Maricopa County Air Quality Department, 1001 N Central Avenue, Suite 400, Phoenix, Arizona, 85004.

**REGULATION III - CONTROL OF AIR CONTAMINANTS**

**RULE 370**

**FEDERAL HAZARDOUS AIR POLLUTANT PROGRAM**

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Revised 07/13/88

Revised 04/06/92

Repealed and Adopted 11/15/93

Revised 11/20/96

Revised 05/14/97

Revised 05/20/98

Revised 08/19/98

Revised 03/01/00

Revised 03/07/01

Revised 11/19/03

**MARICOPA COUNTY**

**AIR POLLUTION CONTROL REGULATIONS**

**REGULATION III - CONTROL OF AIR CONTAMINANTS**

**RULE 370**

**FEDERAL HAZARDOUS AIR POLLUTANT PROGRAM**

**SECTION 100 - GENERAL**

- 101 PURPOSE:** To establish emission standards for federally listed hazardous air pollutants.
- 102 APPLICABILITY:** The provisions of this rule apply to the owner or operator of any stationary source for which a standard is prescribed under this rule, and for which federal delegation of the implementation and enforcement of the standards to Maricopa County has been accomplished. Any such stationary source must also comply with other Maricopa County Air Pollution Control Regulations.
- 103 AVAILABILITY OF INFORMATION:** Copies of all 40 C.F.R., Part 61 and Part 63 revisions currently enforced by Maricopa County are available at 1001 N. Central Avenue, Suite 695, Phoenix, Arizona, 85004, or by calling (602) ~~506-6700~~ 506-6010 for information.
- 104 FEDERAL DELEGATION AUTHORITY:** Maricopa County shall enforce the national emission standards for hazardous air pollutants (40 C.F.R. Part 61 and Part 63 (~~2002~~ 2004)) (NESHAPs) listed in Section 300 of this rule which have heretofore been delegated to the County by the United States Environmental Protection Agency (EPA) for such enforcement. Maricopa County may in addition enforce such other NESHAPs as may be delegated by the EPA to the County from time to time.

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**SECTION 200 - DEFINITIONS:** For the purpose of this rule, the following definitions shall apply:

- 201** **ADMINISTRATOR** - As used in Parts 61 and 63, Title 40, Code of Federal Regulations, shall mean the Control Officer, except that the Control Officer shall not be empowered to approve alternate or equivalent test methods, alternative standards/work practices, or other nondelegable authorities such as those listed in 40 CFR 61.04(c)(9) and 40 CFR 63.91(g)(2)(i), except as specifically provided in each subpart.
- 202** **AMENDED WATER** - water to which surfactant (wetting agent) has been added to increase the ability of the liquid to penetrate asbestos containing material (ACM).
- ~~201~~ **203** **EXISTING SOURCE** - Any stationary source other than a new source.
- ~~202~~ **204** **FEDERALLY LISTED HAZARDOUS AIR POLLUTANT** - Any air pollutant listed pursuant to Section 112(b) of the Act.
- 205** **GOVERNMENT-ISSUED PHOTO IDENTIFICATION CARD** - includes, but is not limited to, a valid driver's license, a valid nonoperating identification license, a valid tribal enrollment card or tribal identification card, or other valid government issued photo identification, that includes the name, address, and photograph of the card holder.
- ~~203~~ **206** **HAZARDOUS AIR POLLUTANT** - Any air pollutant regulated under Section 112 of the Act, any air pollutant subject to NESHP, or any air pollutant designated by the Director as a hazardous air pollutant pursuant to ARS §49-426.04.
- ~~204~~ **207** **MAJOR SOURCE** - A stationary source or group of stationary sources located within a contiguous area, and under common control, and that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any federally listed hazardous air pollutant or 25 tons per year or more of any combination of federally listed hazardous air pollutants. A lesser quantity or, in the case of radionuclides, a different criteria may be established by the Administrator pursuant to Section 112 of the Act and may be adopted by the Board of Supervisors by rule.
- ~~205~~ **208** **MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY (MACT)** - ~~An emission standard that requires the~~ The maximum degree of reduction in emissions of federally listed hazardous air pollutants ~~subject to this rule,~~ including a prohibition on such emissions where achievable, that the Control Officer, after considering the cost of achieving such emission reduction and any non-air quality health and environmental impacts and energy requirements, determines is achievable by a source to which such ~~standard requirement~~ applies, through application of measures, processes, methods, systems or techniques, including measures which do one or more of the following:
- ~~205.1~~ **208.1** Reduce the volume of, or eliminate emissions of, such pollutants through process changes, substitution of materials or other modifications.
- ~~205.2~~ **208.2** Enclose systems or processes to eliminate emissions.
- ~~205.3~~ **208.3** Collect, capture or treat such pollutants when released from a process, stack, storage or fugitive emissions point.
- ~~205.4~~ **208.4** Are design, equipment, work practice, or operational standards, including requirements for operator training or certification.
- ~~205.5~~ **208.5** Are a combination of the above.
- 206** **209** **MODIFICATION** - Any physical change in, or change in the method of operation of, a major source which increases the actual emissions of any federally listed hazardous air pollutant emitted by such source by more than a de minimis amount, or which results in the emission of any federally listed hazardous air pollutant, not previously emitted by more than a de minimis amount.

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- ~~207~~ **210** **NESHAP** - National emission standards for hazardous air pollutants pursuant to 40 C.F.R. Part 61 and Part 63 (~~2002~~ 2004).
- ~~208~~ **211** **NEW SOURCE** - A stationary source, the construction or reconstruction of which commences after the Administrator first proposes regulations under Section 112 of the Act establishing an emission standard applicable to such source, ~~and after an applicable rule is adopted by the Board of Supervisors.~~
- ~~209~~ **212** **STATIONARY SOURCE** - Any building, structure, facility, or installation which emits or may emit any air pollutant.

**SECTION 300 - STANDARDS**

**301 STANDARDS OF PERFORMANCE FOR FEDERALLY LISTED HAZARDOUS AIR POLLUTANTS:**  
The federally listed hazardous air pollutants as listed in Table I and NESHAPs adopted as of July 1, ~~2002~~ 2004, as listed below and as which can be found at 40 C.F.R. 61.01 through 61.358, and all accompanying appendices, are incorporated herein by reference with the listed exclusions and additions and shall be applied by the Control Officer. This incorporation by reference includes no future editions or amendments. Each owner or operator subject to the requirements of the following subparts shall comply with the requirements of those subparts and the additional requirements set forth herein. Incorporation by reference does not include nondelegable functions of the EPA Administrator.

- 301.1 SUBPART A - General Provisions;** ~~exclude Sections 61.04(b), 61.06, 61.12(d)(1), 61.13(h)(1)(ii), 61.14, 61.15 and any sections dealing with equivalency determinations that are nontransferable through Section 112(e)(3) of the Act.~~
- 301.2 SUBPART C - National Emission Standard for Beryllium.**
- 301.3 SUBPART D - National Emission Standard for Beryllium Rocket Motor Firing.**
- 301.4 SUBPART E - National Emission Standard for Mercury;** ~~exclude 61.53(e)(4) and 61.55(d).~~
- 301.5 SUBPART F - National Emission Standard for Vinyl Chloride;** ~~exclude 61.66.~~
- 301.6 SUBPART J - National Emission Standard for Benzene Fugitive Emissions Sources/Equipment Leaks (Fugitive Emission Sources) of Benzene;** ~~exclude 61.112(e).~~
- 301.7 SUBPART L - National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants;** ~~exclude 61.136(d).~~
- 301.8 SUBPART M - National Emission Standard for Asbestos;** ~~exclude 61.149(e)(2), 61.150(a)(4), 61.151(e)(2), 61.152(b)(3), 61.153(e), 61.154(b)(2), 61.154(d), 61.155(a), and 61.156(d).~~
- a. Each owner or operator of a demolition activity or renovation activity involving a facility as defined in 40 C.F.R. 61, Subpart M shall:
- (1) Fully comply with all requirements of 40 C.F.R. 61, Subpart M.
  - (2) Provide the Control Officer with written notification ~~in the manner described in 40 C.F.R. 61.145~~ of intention to demolish or to renovate in the manner described in 40 CFR 61.145.
  - (3) Update all notifications in accordance with 40 CFR 61.145(b). For renovations described in 40 CFR 61.145(a)(4)(iii), notifications shall expire every December 31, with new notices required at least 10 working days before the end of the calendar year preceding the year for which notice is being given. All other notifications shall expire one year from either the original postmark date, commercial delivery date or date of hand delivery to the Control Officer. For a demolition activity or renovation activity that continues beyond the expiration date, the owner or operator of the demolition or

renovation activity shall notify the Control Officer in accordance with 40 CFR 61.145(b) at least 10 working days prior to the expiration of the original notice and pay all applicable fees prescribed by Rule 280 of these rules.

~~(3)(4)~~ Inspect Thoroughly inspect the facility within 12 months of commencement of demolition or renovation activity. Include the date of this inspection on the written notification.

~~(4)(5)~~ Pay all applicable fees prescribed by Rule 280 of these rules.

b. In addition, each owner or operator of a demolition activity or renovation activity shall comply with the following requirements:

(1) Certification, training, and record keeping requirements:

(a) All facilities scheduled for demolition or renovation shall be inspected by a currently certified Asbestos Hazard Emergency Response Act (AHERA) accredited asbestos building inspector (herein referenced as inspector), as required by either AHERA or the Asbestos School Hazard Abatement Reauthorization Act (ASHARA).

(b) Each owner and operator of a facility shall maintain a copy of any reports of inspections made for a facility for two years, including laboratory test results of samples collected, ~~and shall submit a statement to the Control Officer verifying that the facility was inspected and verifying whether or not asbestos containing material (ACM) was found.~~ A copy of the inspection reports and laboratory test results shall be on-site and available for inspection at the facility, upon request of the Department, during asbestos setup, removal, handling, collecting, containerizing, cleanup and dismantling.

(c) All asbestos workers shall ~~be maintain current AHERA trained, worker certification, and an~~ All asbestos contractor/supervisors shall maintain current AHERA/ASHARA trained asbestos contractor/supervisor contractor/supervisor certification and shall be on-site at all times during any active asbestos abatement work at or above NESHAP threshold amounts. A legible copy of all asbestos workers and contractor/supervisor's current training certificates from an EPA accredited training provider shall be available for inspection at all times at the demolition or renovation site.

(d) All asbestos workers and contractor/supervisors shall have color photo identification on-site and available for inspection, upon request of the Department, at all times during asbestos setup, removal, handling, collecting, containerizing, cleanup and dismantling. The color photo identification shall be from an EPA accredited training provider verifying the certification requirements in section (b)(1)(c), or a current government-issued photo identification card.

(2) Asbestos renovation and demolition standards:

(a) A facility owner or operator shall not create visible dust emissions when removing or transporting to the disposal site Category I nonfriable asbestos containing material (ACM) and Category II nonfriable ACM that remain nonfriable Category I ACM and nonfriable Category II ACM shall be removed

so as not to create visible dust emissions during removal and transport to the disposal site.

- (b) Inspection viewing devices at facilities are required at all asbestos renovation and abatement projects where regulated ACM asbestos containing material (RACM) is being abated, except for roofing projects involving Category I nonfriable ACM and Category II nonfriable ACM exclusively. Viewing devices shall be so designed as to allow an inspector to view the facility from the outside, either through ports or by video monitoring.
- (c) All exposed RACM subject to cutting or dismantling operations and all RACM being removed from a facility or a facility component shall be kept adequately wet by using amended water to control the release of asbestos fibers, except as exempted under 40 CFR 61.145(c)(3)(i)(A), 40 CFR 61.145(c)(3)(ii) and/or 40 CFR 61.145(c)(7)(i). To claim these exemptions, the owner or operator shall follow the requirements of 40 CFR 61.145(c)(3)(i)(B), 40 CFR 61.145(c)(3)(iii) and/or 61.145(c)(7)(ii) and (iii). The use of amended water will not be required in the case of an ordered demolition, as defined in 40 CFR 61.145(a)(3), where the debris is suspected to contain or is known to contain ACM, however ordered demolitions are subject to 40 CFR 61.145(c)(9).
- ~~(e)~~(d) The friable portion of regulated ACM shall be kept adequately wet and All RACM shall be contained in transparent, leak-tight wrapping or 6-mil poly bags and shall remain adequately wet to prevent dust emissions during removal, transport, storage, and proper landfill disposal following local, county, state, and federal regulations. Affix a visible and legible label to each Each individual wrapping or bag shall be labeled with the name of the site owner or operator and the name and address of the location that generated the ACM RACM.

- 301.9      **SUBPART N - National Emission Standard for Inorganic Arsenic Emissions ~~from~~ From Glass Manufacturing Plants;** ~~exclude 61.164(a)(2) and 61.164(a)(3).~~
- 301.10     **SUBPART O - National Emission Standard for Inorganic Arsenic Emissions ~~from~~ From Primary Copper Smelters;** ~~exclude 61.172(b)(2)(ii)(B), 61.172(b)(2)(ii)(C), 61.174(a)(2), and 61.174(a)(3).~~
- 301.11     **SUBPART P - National Emission Standard for Inorganic Arsenic Emissions ~~from~~ From Arsenic Trioxide and Metallic Arsenic Production Facilities.**
- 301.12     **SUBPART V - National Emission Standard for ~~Volatile Hazardous Air Pollutants - Fugitive Emissions~~ Equipment Leaks (Fugitive Emission Sources);** ~~exclude 61.242-1(e)(2) and 61.244.~~
- 301.13     **SUBPART Y - National Emission Standard for Benzene Emissions From Benzene Storage Vessels;** ~~exclude 61.273.~~
- 301.14     **SUBPART BB - National Emission Standard for Benzene Emissions From Benzene Transfer Operations.**
- 301.15     **Subpart FF - National Emission ~~Standards~~ Standard for Benzene Waste Operations;** ~~exclude 61.353.~~
- 302        **STANDARDS OF PERFORMANCE FOR FEDERALLY LISTED HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES:** The federally listed hazardous air pollutants as listed in Table I and NESHAPs adopted as of July 1, ~~2002~~ 2004, or the specific date provided below, as listed below and as which

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can be found at 40 C.F.R. 63, and all accompanying appendices, are incorporated herein by reference with the listed exclusions and additions and shall be applied by the Control Officer. This incorporation by reference includes no future editions or amendments. Each owner or operator subject to the requirements of the following subparts shall comply with the requirements of those subparts and the additional requirements set forth herein. Incorporation by reference does not include nondelegable functions of the EPA Administrator.

- 302.1 SUBPART A - General Provisions**
- 302.2 SUBPART B - Requirements for Control Technology Determinations for Major Sources in Accordance ~~with~~ With Clean Air Act Sections, Sections 112(g) and 112(j)**
- 302.3 SUBPART C - List of Hazardous Air Pollutants, Petitions Process, Lesser Quantity Designations, Source Category List, includes amendments adopted as of November 29, 2004**
- ~~302.3~~ 302.4 SUBPART D - Regulations Governing Compliance Extensions for Early Reductions of Hazardous Air Pollutants**
- ~~302.4~~ 302.5 SUBPART F - National Emission Standards for Organic Hazardous Air Pollutants ~~from~~ From the Synthetic Organic Chemical Manufacturing Industry**
- ~~302.5~~ 302.6 SUBPART G - National Emission Standards for Organic Hazardous Air Pollutants ~~from~~ From the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater**
- ~~302.6~~ 302.7 SUBPART H - National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks; ~~exclude 63.177~~**
- ~~302.7~~ 302.8 SUBPART I - National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks**
- 302.9 SUBPART J - National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production**
- ~~302.8~~ 302.10 SUBPART L - National Emission Standards for Coke Oven Batteries; ~~exclude 63.302(d); 63.304(b)(6); 63.305(b), (d), and (e); 63.307(d)~~**
- ~~302.9~~ 302.11 SUBPART M - National Perchloroethylene Air Emission Standards ~~for Perchloroethylene~~ for Dry Cleaning Facilities**
- ~~302.10~~ 302.12 SUBPART N - National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks**
- ~~302.11~~ 302.13 SUBPART O - ~~National Emission Standards for~~ Ethylene Oxide Emissions Standards for Sterilization Facilities**
- ~~302.12~~ 302.14 SUBPART Q - National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers**
- ~~302.13~~ 302.15 SUBPART R - National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations); ~~exclude 63.426, 63.427(a)(5)~~**
- ~~302.14~~ 302.16 SUBPART S – National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry**
- ~~302.15~~ 302.17 SUBPART T - National Emission Standards for Halogenated Solvent Cleaning**
- 302.16 302.18 SUBPART U - National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins**
- ~~302.17~~ 302.19 SUBPART W - National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production**

- ~~302.18~~ 302.20 SUBPART X - National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting
- ~~302.19~~ 302.21 SUBPART AA – National Emission Standards for Hazardous Air Pollutants ~~from~~ From Phosphoric Acid Manufacturing Plants
- ~~302.20~~ 302.22 SUBPART BB - National Emission Standards for Hazardous Air Pollutants ~~from~~ From Phosphate Fertilizers Production Plants
- ~~302.21~~ 302.23 SUBPART CC - National Emission Standards for Hazardous Air Pollutants ~~from~~ From Petroleum Refineries
- ~~302.22~~ 302.24 SUBPART DD - National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations
- ~~302.23~~ 302.25 SUBPART EE - National Emission Standards for Magnetic Tape Manufacturing Operations
- ~~302.24~~ 302.26 SUBPART GG - National Emission Standards for Aerospace Manufacturing and Rework Facilities
- ~~302.25~~ 302.27 SUBPART HH - National Emission Standards for Hazardous Air Pollutants ~~from~~ From Oil and Natural Gas Production Facilities
- ~~302.26~~ 302.28 SUBPART JJ - National Emission Standards for Wood Furniture Manufacturing Operations
- ~~302.27~~ 302.29 SUBPART KK - National Emission Standards for the Printing and Publishing Industry;—  
exclude ~~63.827(b)~~, ~~63.827(e)~~
- ~~302.28~~ 302.30 SUBPART MM – National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills
- ~~302.29~~ 302.31 SUBPART OO - National Emission Standards for Tanks - Level 1
- ~~302.30~~ 302.32 SUBPART PP - National Emission Standards for Containers
- ~~302.31~~ 302.33 SUBPART QQ - National Emission Standards for Surface Impoundments
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- ~~302.33~~ 302.35 SUBPART SS – National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process
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- ~~302.35~~ 302.37 SUBPART UU – National Emission Standards for Equipment Leaks – Control Level 2 Standards
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- ~~302.40~~ 302.40 SUBPART XX - National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations
- ~~302.38~~ 302.41 SUBPART YY - National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards
- ~~302.39~~ 302.42 SUBPART CCC - National Emission Standards for Hazardous Air Pollutants for Steel Pickling – HCl Process Facilities and Hydrochloric Acid Regeneration Plants

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- ~~302.40~~ 302.43 SUBPART DDD - National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production
- ~~302.41~~ 302.44 SUBPART EEE - National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors
- ~~302.42~~ 302.45 SUBPART GGG - National Emission Standards for Pharmaceuticals Production
- ~~302.43~~ 302.46 SUBPART HHH - National Emission Standards for Hazardous Air Pollutants ~~from~~ From Natural Gas Transmission and Storage Facilities
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- ~~302.45~~ 302.48 SUBPART JJJ - National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins
- ~~302.46~~ 302.49 SUBPART LLL - National Emission Standards for Hazardous Air Pollutants ~~from~~ From the Portland Cement Manufacturing Industry
- ~~302.47~~ 302.50 SUBPART MMM - National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production
- ~~302.48~~ 302.51 SUBPART NNN - National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing
- ~~302.49~~ 302.52 SUBPART OOO – National Emission Standards for Hazardous Air ~~Pollutants from the~~ Pollutant Emissions: Manufacture of Amino/Phenolic Resins.
- ~~302.50~~ 302.53 SUBPART PPP - National Emission Standards for Hazardous Air Pollutant Emissions for Polyether Polyols Production
- ~~302.54~~ 302.54 SUBPART OOO - National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting
- ~~302.51~~ 302.55 SUBPART RRR – National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production
- ~~302.52~~ 302.56 SUBPART TTT - National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting
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- ~~302.57~~ 302.61 SUBPART CCCC – National Emission Standards for Hazardous Air Pollutants; ~~for~~ Manufacture Manufacturing of Nutritional Yeast
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- ~~302.63~~ 302.63 SUBPART FFFF - National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing

- ~~302.58~~ 302.64 ~~SUBPART GGGG – National Emission Standards for Hazardous Air Pollutants; for~~  
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- ~~302.59~~ 302.65 ~~SUBPART HHHH – National Emission Standards for Hazardous Air Pollutants for Wet-~~  
formed Fiberglass Mat Production
- 302.66 SUBPART IIII - National Emission Standards for Hazardous Air Pollutants: Surface  
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- 302.67 SUBPART JJJJ - National Emission Standards for Hazardous Air Pollutants: Paper and  
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- 302.97** **SUBPART OOOOO - National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities**
- 302.98** **SUBPART RRRRR - National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing**
- 302.99** **SUBPART SSSSS - National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing**
- 302.100** **SUBPART TTTTT - National Emission Standards for Hazardous Air Pollutants for Primary Magnesium Refining**

**303 ADDITIONAL REQUIREMENTS:**

- 303.1** From the general standards identified in Section 301 of this rule, delete 40 C.F.R. 61.04. All requests, reports, applications, submittals, and other communications to the Control Officer pursuant to this Rule shall be submitted to the Maricopa County Air Quality Department, 1001 North Central Avenue, Suite 400, Phoenix, Arizona, 85004.
- ~~**303.2**~~ ~~When the Administrator adopts and makes effective emission standards pursuant to Section 112(d) or 112(f) of the Act, the Control Officer may enforce those standards as prescribed by the Administrator.~~
- ~~**303.3**~~ **303.2** Where the Act has established provisions, including specific schedules, for the regulation of source categories pursuant to Section 112(e)(5) and 112(n) of the Act, the Control Officer may enforce those provisions.

~~303-4~~ **303.3** For any category or subcategory of sources licensed by the U.S. Nuclear Regulatory Commission, the Board of Supervisors shall not adopt and the Control Officer shall not enforce any standard or limitation respecting emissions of radionuclides which is more stringent than the standard or limitation adopted by the Administrator pursuant to Section 112 of the Act.

~~303-5~~ **303.4** If the Administrator finds by rule that regulation is not appropriate or necessary or that alternative control strategies should be applied, the Control Officer shall administer and enforce this rule based on the Administrator's findings.

**SECTION 400 - ADMINISTRATIVE REQUIREMENTS**

**401 CONTROL TECHNOLOGY DETERMINATIONS FOR MAJOR SOURCES IN ACCORDANCE WITH CLEAN AIR ACT SECTIONS, SECTIONS 112(g) AND 112(j):** 40 C.F.R. 63.40-44 and 40 C.F.R. 63.50-56 are adopted by reference.

**402 COMPLIANCE EXTENSIONS FOR EARLY REDUCTION OF FEDERALLY LISTED HAZARDOUS AIR POLLUTANTS:** 40 C.F.R. 63.70-81 and Table I are adopted by reference.

**TABLE I**

**FEDERAL LIST OF HAZARDOUS AIR POLLUTANTS**

A. All of the following are federally listed hazardous air pollutants:

<u>CAS No.</u>	<u>Chemical Name</u>
75-07-0	Acetaldehyde
60-35-5	Acetamide
75-05-8	Acetonitrile
98-86-2	Acetophenone
53-96-3	2-Acetylaminofluorene
107-02-8	Acrolein
79-06-1	Acrylamide
79-10-7	Acrylic acid
107-13-1	Acrylonitrile
107-05-1	Allyl chloride
92-67-1	4-Aminobiphenyl
62-53-3	Aniline
90-04-0	o-Anisidine
1332-21-4	Asbestos
71-43-2	Benzene (including benzene from gasoline)
92-87-5	Benzidine
98-07-7	Benzotrichloride
100-44-7	Benzyl chloride
92-52-4	Biphenyl
117-81-7	Bis(2-ethylhexyl)phthalate (DEHP)
542-88-1	Bis(chloromethyl)ether
75-25-2	Bromoform
106-99-0	1,3-Butadiene

156-62-7	Calcium cyanamide
<del>105-60-2</del>	<del>Caprolactam</del>
133-06-2	Captan
63-25-2	Carbaryl
75-15-0	Carbon disulfide
56-23-5	Carbon tetrachloride
463-58-1	Carbonyl sulfide
120-80-9	Catechol
133-90-4	Chloramben
57-74-9	Chlordane
7782-50-5	Chlorine
79-11-8	Chloroacetic acid
532-27-4	2-Chloroacetophenone
108-90-7	Chlorobenzene
510-15-6	Chlorobenzilate

<u>CAS No.</u>	<u>Chemical Name</u>
67-66-3	Chloroform
107-30-2	Chloromethyl methyl ether
126-99-8	Chloroprene
1319-77-3	Cresols/Cresylic acid (isomers and mixture)
95-48-7	o-Cresol
108-39-4	m-Cresol
106-44-5	p-Cresol
98-82-8	Cumene
94-75-7	2,4-D, salts and esters
3547-04-4	DDE
334-88-3	Diazomethane
132-64-9	Dibenzofurans
96-12-8	1,2-Dibromo-3-chloropropane
84-74-2	Dibutylphthalate
106-46-7	1,4-Dichlorobenzene(p)
91-94-1	3,3-Dichlorobenzidene
111-44-4	Dichloroethyl ether (Bis(2-chloroethyl)ether)
542-75-6	1,3-Dichloropropene
62-73-7	Dichlorvos
111-42-2	Diethanolamine
121-69-7	N,N-Diethyl aniline (N,N-Dimethylaniline)
64-67-5	Diethyl sulfate
119-90-4	3,3-Dimethoxybenzidine
60-11-7	Dimethyl aminoazobenzene
119-93-7	3,3-Dimethyl benzidine
79-44-7	Dimethyl carbamoyl chloride

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68-12-2	Dimethyl formamide
57-14-7	1,1-Dimethyl hydrazine
131-11-3	Dimethyl phthalate
77-78-1	Dimethyl sulfate
534-52-1	4,6-Dinitro-o-cresol, and salts
51-28-5	2,4-Dinitrophenol
121-14-2	2,4-Dinitrotoluene
123-91-1	1,4-Dioxane (1,4-Diethyleneoxide)
122-66-7	1,2-Diphenylhydrazine

<u>CAS No.</u>	<u>Chemical Name</u>
106-89-8	Epichlorohydrin (1-Chloro-2,3-epoxypropane)
106-88-7	1,2-Epoxybutane
140-88-5	Ethyl acrylate
100-41-4	Ethyl benzene
51-79-6	Ethyl carbamate (Urethane)
75-00-3	Ethyl chloride (Chloroethane)
106-93-4	Ethylene dibromide (Dibromoethane)
107-06-2	Ethylene dichloride (1,2-Dichloroethane)
107-21-1	Ethylene glycol
151-56-4	Ethylene imine (Aziridine)
75-21-8	Ethylene oxide
96-45-7	Ethylene thiourea
75-34-3	Ethylidene dichloride (1,1-Dichloroethane)
50-00-0	Formaldehyde
76-44-8	Heptachlor
118-74-1	Hexachlorobenzene
87-68-3	Hexachlorobutadiene
77-47-4	Hexachlorocyclopentadiene
67-72-1	Hexachloroethane
822-06-0	Hexamethylene-1,6-diisocyanate
680-31-9	Hexamethylphosphoramide
110-54-3	n-Hexane
302-01-2	Hydrazine
7647-01-0	Hydrochloric acid
7664-39-3	Hydrogen fluoride (Hydrofluoric acid)
123-31-9	Hydroquinone
78-59-1	Isophorone
58-89-9	Lindane (all isomers)
108-31-6	Maleic anhydride
67-56-1	Methanol
72-43-5	Methoxychlor
74-83-9	Methyl bromide (Bromomethane)

74-87-3 Methyl chloride (Chloromethane)  
71-55-6 Methyl chloroform (1,1,1-Trichloroethane)  
78-93-3 Methyl ethyl ketone (2-Butanone)  
60-34-4 Methyl hydrazine

<u>CAS No.</u>	<u>Chemical Name</u>
74-88-4	Methyl iodide (Iodomethane)
108-10-1	Methyl isobutyl ketone (Hexone)
624-83-9	Methyl isocyanate
80-62-6	Methyl methacrylate
1634-04-4	Methyl tert butyl ether
101-14-4	4,4-Methylene bis(2-chloroaniline)
75-09-2	Methylene chloride (Dichloromethane)
101-68-8	Methylene diphenyl diisocyanate (MDI)
101-77-9	4,4-Methylenedianiline
91-20-3	Naphthalene
98-95-3	Nitrobenzene
92-93-3	4-Nitrobiphenyl
100-02-7	4-Nitrophenol
79-46-9	2-Nitropropane
684-93-5	N-Nitroso-N-methylurea
62-75-9	N-Nitrosodimethylamine
59-89-2	N-Nitrosomorpholine
56-38-2	Parathion
82-68-8	Pentachloronitrobenzene (Quintobenzene)
87-86-5	Pentachlorophenol
108-95-2	Phenol
106-50-3	p-Phenylenediamine
75-44-5	Phosgene
7803-51-2	Phosphine
7723-14-0	Phosphorus
85-44-9	Phthalic anhydride
1336-36-3	Polychlorinated biphenyls (Aroclors)
1120-71-4	1,3-Propane sultone
57-57-8	beta-Propiolactone
123-38-6	Propionaldehyde
114-26-1	Propoxur (Baygon)
78-87-5	Propylene dichloride (1,2-Dichloropropane)
75-56-9	Propylene oxide
75-55-8	1,2-Propylenimine(2-Methyl aziridine)
91-22-5	Quinoline
106-51-4	Quinone
100-42-5	Styrene

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96-09-3 Styrene oxide

<u>CAS No.</u>	<u>Chemical Name</u>
1746-01-6	2,3,7,8-Tetrachlorodibenzo-p-dioxin
79-34-5	1,1,2,2-Tetrachloroethane
127-18-4	Tetrachloroethylene (Perchloroethylene)
7550-45-0	Titanium tetrachloride
108-88-3	Toluene
95-80-7	2,4-Toluene diamine
584-84-9	2,4-Toluene diisocyanate
95-53-4	o-Toluidine
8001-35-2	Toxaphene (chlorinated camphene)
120-82-1	1,2,4-Trichlorobenzene
79-00-5	1,1,2-Trichloroethane
79-01-6	Trichloroethylene
95-95-4	2,4,5-Trichlorophenol
88-06-2	2,4,6-Trichlorophenol
121-44-8	Triethylamine
1582-09-8	Trifluralin
540-84-1	2,2,4-Trimethylpentane
108-05-4	Vinyl acetate
593-60-2	Vinyl bromide
75-01-4	Vinyl chloride

<u>CAS No.</u>	<u>Chemical Name</u>
75-35-4	Vinylidene chloride (1,1-Dichloroethylene)
1330-20-7	Xylenes (isomers and mixture)
95-47-6	o-Xylenes
108-38-3	m-Xylenes
106-42-3	p-Xylenes
0	Antimony Compounds
0	Arsenic Compounds (inorganic including arsine)
0	Beryllium Compounds
0	Cadmium Compounds
0	Chromium Compounds
0	Cobalt Compounds
0	Coke Oven Emissions
0	Cyanide Compounds <sup>[1]</sup>
0	Glycol ethers <sup>[2]</sup>
0	Lead Compounds
0	Manganese Compounds
0	Mercury Compounds
0	Fine mineral fibers <sup>[3]</sup>

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- 0 Nickel Compounds
- 0 Polycyclic Organic Matter<sup>[4]</sup>
- 0 Radionuclides (including radon)<sup>[5]</sup>
- 0 Selenium Compounds

**B.** The following applies for all listings above which contain the word "compounds" or are glycol ethers: unless otherwise specified, these listings are defined as including any unique chemical substance that contains the named chemical (i.e., antimony, arsenic, etc.) as part of that chemical's infrastructure.

- [1] X'CN where X = H' or any other group where a formal dissociation may occur (e.g. KCN or Ca(CN)<sub>2</sub>).
- [2] Includes mono- and di- ethers of ethylene glycol, diethylene glycol, and triethylene glycol R-(OCH<sub>2</sub>CH<sub>2</sub>)<sub>n</sub>-OR' where:
  - n = 1, 2, or 3;
  - ~~R = alkyl or aryl groups;~~
  - ~~R' = R, H, or groups which, when removed, yield glycol ethers with the structure: R-(OCH<sub>2</sub>CH<sub>2</sub>)<sub>n</sub>-OH.~~
  - ~~Polymers are excluded from the glycol category.~~
  - R = alkyl C7 or less; or
  - R = phenyl or alkyl substituted phenyl;
  - R' = H or alkyl C7 or less; or
  - OR' consisting of carboxylic acid ester, sulfate, phosphate, nitrate, or sulfonate.
- [3] Includes mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag fibers (or other mineral derived fibers) of average diameter one micrometer or less.
- [4] Includes organic compounds which have more than one benzene ring and which have a boiling point greater than or equal to 212°F (100°C). (Limited to, or refers to, products from incomplete combustion of organic compounds and pyrolysis processes.)
- [5] A type of atom which spontaneously undergoes radioactive decay.

**REGULATION III - CONTROL OF AIR CONTAMINANTS**

**RULE 371**

**ACID RAIN**

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**Adopted 02/15/95**

**Revised 04/03/96**

**Revised 03/01/00**

**Revised 03/07/01**

**Revised 11/19/03**

**MARICOPA COUNTY**  
**AIR POLLUTION CONTROL REGULATIONS**

**REGULATION III - CONTROL OF AIR CONTAMINANTS**

**RULE 371**

**ACID RAIN**

**SECTION 100 - GENERAL**

- 101 PURPOSE:** To incorporate by reference the Acid Rain federal regulations in order to obtain delegated authority to enforce portions of the Clean Air Act Amendments of 1990 (CAAA).
- 102 APPLICABILITY:** This rule applies to those affected units as described in 40 Code Of Federal Regulations (C.F.R.) 72.6 which has been adopted by reference.
- 103 SEVERABILITY:** If the provisions or requirements of the regulations incorporated pursuant to this rule conflict with any of the remaining portions of these rules, the regulations incorporated pursuant to this rule shall apply and shall take precedence.
- 104 AVAILABILITY OF INFORMATION:** Copies of 40 C.F.R. Part 72 (Permits Regulation), 40 C.F.R. Part 74 (Sulfur Dioxide Opt-Ins), 40 C.F.R. Part 75 (Continuous Emission Monitoring), and 40 C.F.R. 76 (Acid Rain Nitrogen Oxides Emission Reduction Program) and all accompanying appendices, adopted as of July 1, ~~2002~~ 2004, (and no future additions) incorporated by reference currently enforced by Maricopa County are available at 1001 North Central Avenue, Suite ~~204~~ 695, Phoenix, Arizona 85004, or call ~~602-506-6700~~ (602) 506-6010 for information.

**SECTION 300 - STANDARDS**

- 301 INCORPORATED SUBPARTS OF THE FEDERAL ACID RAIN REGULATIONS:** 40 C.F.R. Parts 72, 74, 75 and 76 and all accompanying appendices, adopted as of July 1, ~~2002~~ 2004, (and no future additions) are incorporated by reference.
- 302 FEDERAL REGULATORY REVISIONS:** The Maricopa County Board of Supervisors shall take action following promulgation by the Environmental Protection Agency (EPA) of regulations implementing Section 407 and Section 410 of the Clean Air Act (CAA), or revising either Part 72, 74, 75, and/or 76 of the regulations implementing Section 407 or Section 410 of the CAA, to either incorporate such new or revised provisions by reference or to submit, for EPA approval, Maricopa County regulations implementing these provisions.